# ATTACHMENT G WINTER HAVEN



June 9, 2016

City of Winter Haven Engineering Department Attn: Keri Sorensen Attn: Sean Byers 490 Third Street NW Winter Haven, FL 323880

RE: Mobilitie LLC Right of Way Permit Application (9FLB00004615, 9FLB004614, 9FLB004612, 9FLX002227, 9FLX002226, and 9FLX002223)

Dear Ms. Sorensen:

Please find the enclosed Mobilitie, LLC Permit Applications for six (6) new proposed utility infrastructure facilities in the City of Winter Haven. Along with the attached permit applications, you will also find construction drawings and photo simulations for each facility. I have had the pleasure of previously meeting with Mr. Sean Byers about a previous permit application. Mobilitie, LLC understands that our project proposal is currently under consideration by your City. We would like to schedule another meeting with you, Mr. Byers, and anyone else who would like to attend to provide any additional information that is needed.

As we mentioned to the City in our previous letter, Mobilitie, LLC is a public utility company regulated by the Florida Public Service Commission to provide telephone related services, such as facilities based competitive local exchange and interexchange services. To meet the growing demand for connectivity, Mobilitie LLC is deploying a hybrid transport network that provides high-speed, high-capacity bandwidth in order to facilitate the next generation of devices and data-driven services. This network can support a variety of technologies and services that require connectivity to the internet, including, but not limited to, driverless and connected vehicles (commercial, personal and agricultural), remote weather stations and mobile service providers. These transport utility poles and facilities are not dedicated to any particular customer, and, to the extent capacity on the structures is available, are available to be used by other entities, including the City of Winter Haven. Mobilitie LLC's hybrid transport network is an industry changing approach that seeks to improve backhaul connectivity for the City's residents.

Mobilitie, LLC plans to construct the applied for utility infrastructures within the next 18 months. We are excited and hope to work with the City of Winter Haven and I invite you to call me with any questions or comments you may have. My phone number is 727-512-5599. Also, please feel free to reach out to Michele Visconti, the Network Real Estate Specialist handling this market at 470-240-3222, or her cell phone 239-249-2472.

Thank you for your attention to this matter.

Respectfully submitted,

Mike Nuckols Permitting Manager

\*Enclosures

Sheet 1 of 2

### CITY OF WINTER HAVEN

Engineering Services Division 490 3rd Street N.W. 33881 Phone 863-291-5851

9FLX002226

### **USE PERMIT**

Street Name Lake S	Shipp Dr.			Date June 9,	2016
Located betweenLa	ake Shipp Dr.	Street and	Ave Q SW		Street
Permission Granted to	Mobilitie, LLC			Phone number	727-512-5599
For construction and mai	intenance of End user proposes to	install a 120'	new pole within an e	xisting ROW.	
	Scope of work: Install a nev	w pole with pr	oposed backhaul trai	nsport equipment	20

This permit is subject to the following conditions:

- 1. The construction and maintenance of such utility shall not interfere with the property and the rights of a prior occupant.
- All work shall be done in keeping with standards established by the Engineering Services Director and under the supervision of Mike Foster, City Construction Inspector, Phone (863) 291-5850, Cell (863) 287-2727.
- 3. All material and equipment shall be subject to inspection by a representative of the Engineering Services Director.
- 4. Construction shall be performed in a safe manner and in accordance with the regulations of OSHA, USDA and other applicable agencies. The City shall be relieved of all responsibilities for damages of any nature arising from this permit. Subject to the above terms and conditions, the permittee shall take such safety measures, including placing and display of caution signs, as good practice dictates in conduct of construction and maintenance work herein described.
- 5. The permittee shall provide for safe pedestrian traffic throughout the construction time. Where existing sidewalks and other walkways exist prior to this work, they or safe alternate trafficable ways, shall be maintained.
- 6. All city property shall be restored to its original condition to the satisfaction of the Engineering Services Director and/ or his authorized representative.
- 7. The applicant shall indemnify, defend, and hold harmless the City from and against any and all claims, suits, actions, judgments, demands, taxes, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of the applicant, its officers, employees, agents, or representatives that may occur by reason of this construction.
- 8. The attached sketch covering details of this construction shall be made a part of this permit.
- 9. The applicant, at a minimum, shall obtain insurance coverage for specific risks and in such amounts and with insurers as determined acceptable by the City. Any such insurance coverage(s) required by the City shall represent the minimum amount of coverage required. The applicant, at its sole cost, shall obtain insurance coverage(s) as follows:
  - Workers' Compensation/Employer's Liability:

•	For each accident	(\$5,000,000.00)
•	Disease – Policy Limit	(\$5,000,000.00)
•	Disease – Each Employee	(\$5,000,000.00)

### b. Commercial General Liability ("CGL"):

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•	For each occurrence	(\$5,000,000.00)
•	General Aggregate	(\$5,000,000.00)
•	Products/Completed Operations Aggregate	(\$5,000,000.00)
•	Personal and Advertising Injury	(\$5,000,000.00)

### Business Automobile Policy:

 Each occurrence and bodily injury and property damage liability combined (\$5,000,000.00)

10. It is expressly stipulated that this permit is a license for permissive use only and that placing of facility upon public property pursuant to this permit shall not operate to create or to vest any property in the permittee or his client.

	said Transportation Facility/City Property or reset or relocate thereon as requested by the Engineering Services Director and at the expense of the Permittee.
11.	The permittee shall commence actual construction in good faith onTBDand shall complete the construction within _7 days. This permit shall be void if the work is not started within sixty (60) days from date of said permit.
12.	Applicant declares that prior to filling out the application he has ascertained the location of all existing utilities, both aerial and
	underground. Applicant also declares that all other utilities within the area were notified and that he is including a notification copy with this permit application. List the name of the Utility, Date, and the authorized Contact person from each Utility that were contacted:  Mobilitie, LLC will send all required utility notification letters, and proof of such notification, when Mobilitie's project to install utility poles within the City's rights-of-way has been spproved by the City.
13.	Notify the Engineering Services Division (863) 291-5851 a minimum of 48 hours prior to the commencement of construction. A SUNSHINE ONE number must be provided at this time. Failure to provide proper notification may result in the stoppage of work.  Notify the Engineering Services Division the day construction actually commences.
14.	If the applicant transfers or assigns its assets located within the City's right-of-way, the transferee or assignee shall be obligated to comply with the terms of this Use Permit and any and all applicable provisions of the WHC.
15.	Nothing herein is intended to waive the City's sovereign immunity or the limits of its liability under Section 768.28 of the Florida Statutes regardless of whether such claims are based on contract, statute, tort, strict liability, product liability, negligence or otherwise.
16.	The use of missiles is limited and must be approved by the Engineering Services Director prior to Construction.
Appro	oved by:
Date:	Michael Nuckols
	(Applicant's name printed)
SUN	SHINE ONE#
City o	of Winter Haven Engineering Services Division Permit #

Pursuant to section 337.403(1), Florida statutes, whenever necessary for the construction, repair, improvement maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said Transportation Facility/City Property as determined by the Engineering Services Director, any or all utilities and appurtenances authorized here under or any shall be immediately removed from

C:\Engineering\FORMS\USEPER UPDATE.DOC 11/21/2012

Note: Attach Applicable Plans as Required

## 9FLX002226A

28.004937, -81.751479

FL Network Transport,

Winter Haven, FL 33880



Know what's below.

GENERAL NOTES

THE FACILITY IS UMMANNED AND NOT FOR HUMAN HABITATION.

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### SITE INFORMATION 9FLX002226A POLE ID:

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ATTIVOE	LONGITUDE:	ADDRESS/CROSS STREET:	CITY, STATE ZIP:	PROPERTY OWNER	APPLICANT	APPLICANT ADDRESS

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# DO NOT SCALE DRAWINGS

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LOCATION MAPS

VICINITY MAP

## BND USER PROPOSES TO INSTALL A NEW UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY, THE SCOPE WILL CONSIST OF THE FOLLOWING: PROJECT DESCRIPTION 1. INSTALL PROPOSED 120' UTILITY POLE

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CODES

SHEET INDEX

SHEET #	-
0.0	TILE SHEET
1.0	EXHIBIT PHOTO & SITE PLAN
2.0	UTILITY POLE ELEVATIONS
3.0	ELECTRICAL

## ENGINEER

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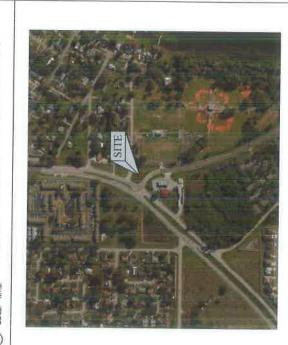
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9FLX002228A 28.004937,-81.751479 Winter Hoven, FL 33880 UTILITY POLE



TEXHIBIT PHOTO - GENERIC (NOT SITE SPECIFIC)



SERIAL SITE LOCATION

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NOTE: PROPOSED 120'0" POLE IN THE R.O.W. R.O.W. BOUNDARIES TO BE COMPIRMED AFTER SURVEY

PROJECT NUMBER: DRAWN BY: CHECKED BY:

FL Network Transport, LLC



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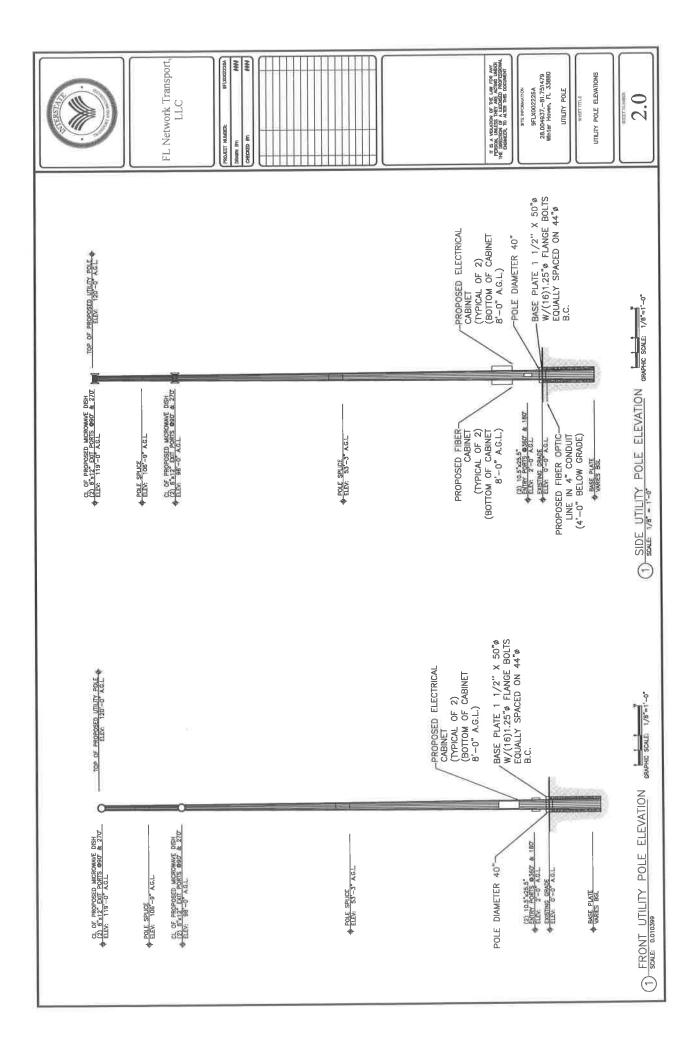
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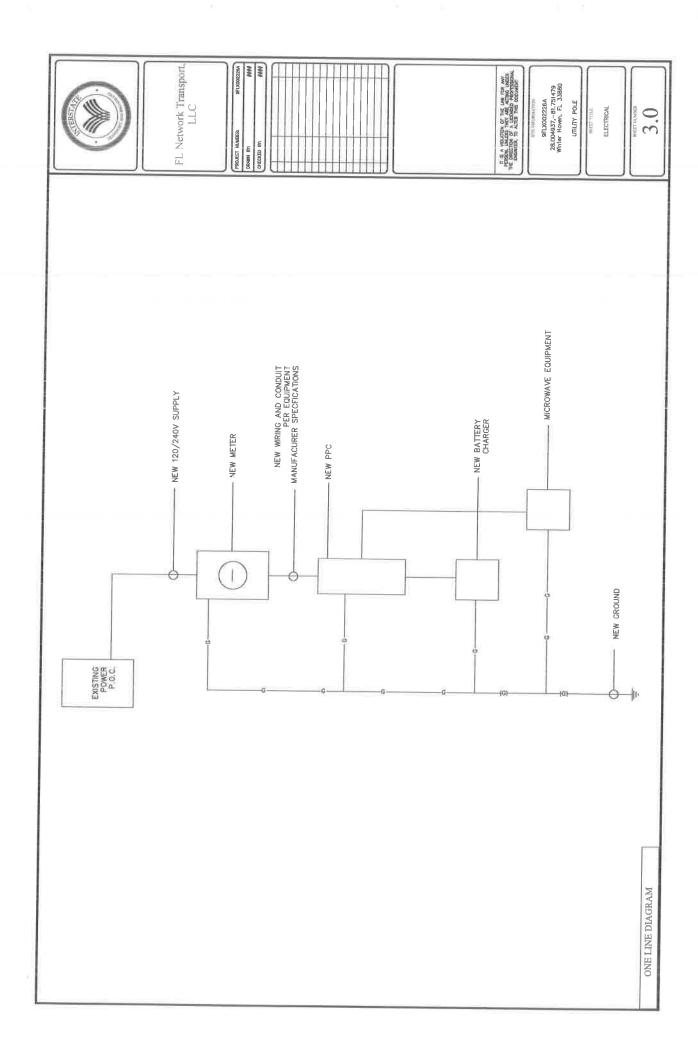
UTILITY POLE

EXHIBIT PHOTO &

SHILET NUMBER

3 ENLARGED SITE PLAN





CITY OF WINTER HAVEN

Engineering Services Division 490 3rd Street N.W. 33881 Phone 863-291-5851 Sheet 1 of 2 9FLX002227

### **USE PERMIT**

Street Name Post A	lve SW			Date June 9, 2016		
Located between 2n	d Street SW	_, Street and _	1st Street South	Street		
Permission Granted to						
For construction and ma	aintenance of End user proposes to	install a 120'	new pole within an e	existing ROW.		
	Scope of work: Install a nev	w pole with p	roposed backhaul tra	nsport equipment.		

This permit is subject to the following conditions:

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- 6. All city property shall be restored to its original condition to the satisfaction of the Engineering Services Director and/ or his authorized representative.
- 7. The applicant shall indemnify, defend, and hold harmless the City from and against any and all claims, suits, actions, judgments, demands, taxes, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of the applicant, its officers, employees, agents, or representatives that may occur by reason of this construction.
- 8. The attached sketch covering details of this construction shall be made a part of this permit.
- The applicant, at a minimum, shall obtain insurance coverage for specific risks and in such amounts and with insurers as determined acceptable by the City. Any such insurance coverage(s) required by the City shall represent the minimum amount of coverage required. The applicant, at its sole cost, shall obtain insurance coverage(s) as follows:
  - a. Workers' Compensation/Employer's Liability:

•	For each accident	(\$5,000,000.00)
•	Disease - Policy Limit	(\$5,000,000.00)
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Commercial General Liability ("CGL"):

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•	General Aggregate	(\$5,000,000.00)
•	Products/Completed Operations Aggregate	(\$5,000,000.00)
•	Personal and Advertising Injury	(\$5,000,000.00)

- Business Automobile Policy:
  - Each occurrence and bodily injury and property damage liability combined (\$5,000,000.00)
- 10. It is expressly stipulated that this permit is a license for permissive use only and that placing of facility upon public property pursuant to this permit shall not operate to create or to vest any property in the permittee or his client.

	Pursuant to section 337.403(1), Florida statutes, whenever necessary for the construction, repair, improvement maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said Transportation Facility/City Property as determined by the Engineering Services Director, any or all utilities and appurtenances authorized here under or any shall be immediately removed from said Transportation Facility/City Property or reset or relocate thereon as requested by the Engineering Services Director and at the expense of the Permittee.
11,	The permittee shall commence actual construction in good faith on TBD and shall complete the construction within days. This permit shall be void if the work is not started within sixty (60) days from date of said permit.
12.	Applicant declares that prior to filling out the application he has ascertained the location of all existing utilities, both aerial and underground. Applicant also declares that all other utilities within the area were notified and that he is including a notification copy with this permit application. List the name of the Utility, Date, and the authorized Contact person from each Utility that were contacted: Mobilitie, LLC will send all required utility notification letters, and proof of such notification, when Mobilitie's project to install utility poles within the City's rights-of-way has been spproved by the City.
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Appr	oved by: Submitted by :(Applicant' Signature)
Date	Michael Nuckols (Applicant's name printed)
SUN	SHINE ONE#
City o	of Winter Haven Engineering Services Division Permit #

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Note: Attach Applicable Plans as Required

## 9FLX002227A

28.005889, -81.727988

FL Network Transport,

Winter Haven, FL 33880



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Call before you dig.

Know what's below.

GENERAL NOTES

SITE INFORMATION

9FLX002227A

-81,727988 28.005889

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ADDRESS/CROSS STREET:

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# PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL A NEW UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

1. INSTALL PROPOSED 120' UTILITY POLE

CODES

2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

SHEET INDEX

SHEET # SHEET DESCRIPTION 0.0 TITLE SHEET	EXHIBIT PHOTO & SITE PLAN	UTILITY POLE ELEVATIONS	ELECTRICAL			
SHEET # S		2.0	3.0			

## ENGINEER

9FLX002227A 28.005889,—81,727988 Winter Haven, FL 33880

IT IS A VICIATION OF THE LAW FOR ANY PERSON, UNLESS HET ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL EDICAMENT. TO ALTER THIS DOCUMENT

TITLE SHEET

UTILITY POLE

0.0

DO NOT SCALE DRAWINGS

9258 Peachtree St. NE, Suite 710 Atlanta, GA 30309

APPLICANT ADDRESS

Network Transport, LLC

Winter Hoven, FL 33880

PUBLIC RIGHT-OF-WAY

ROPERTY DWNER CITY, STATE ZIP:

APPLICANT

CONTRACTORS SHALL VERPY ALL PLANS, EXISTING DIMENSIONS SEE EDE COMPINIONS ON THE OLG STIE, EAVEL IMMEDIATELY NOTIFY THE ARCHITECT/PERINNER IN WRITING OF ARCHITECT/PERINNER IN WRITING OF ARCHITECT/PERINNER IN WRITING OF SERVENCEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

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FL Network Transport,

NOTE:
PROPOSED 120'0" POLE IN THE R.O.W,
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UTILITY POLE

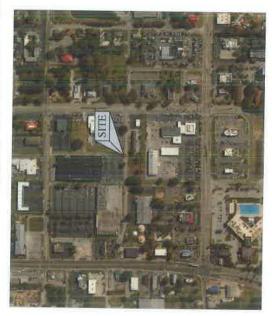
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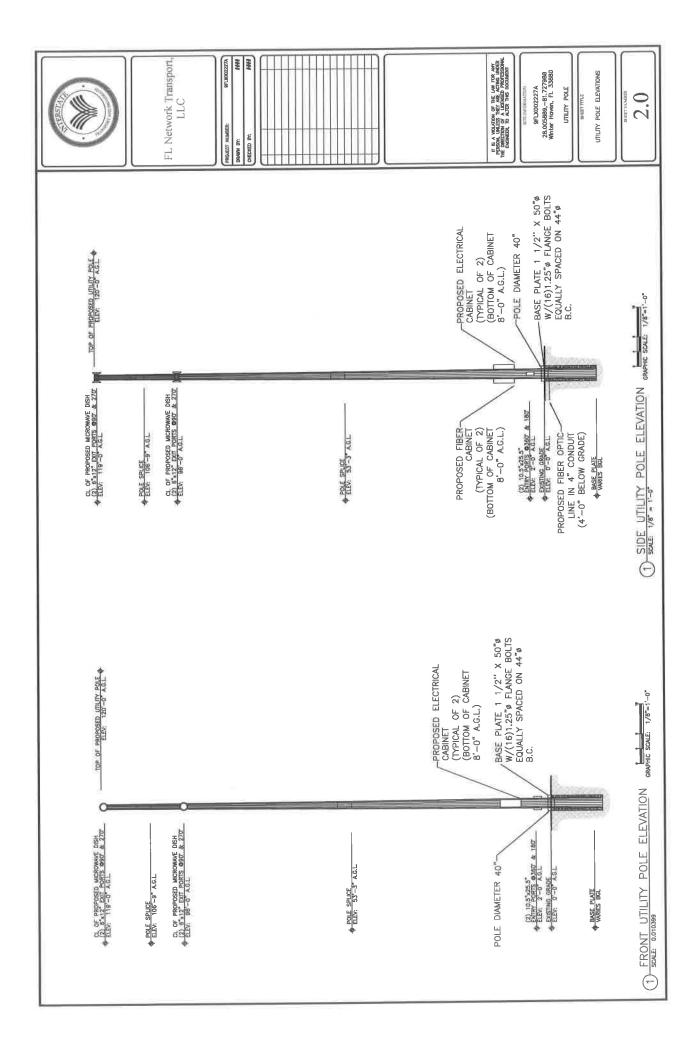
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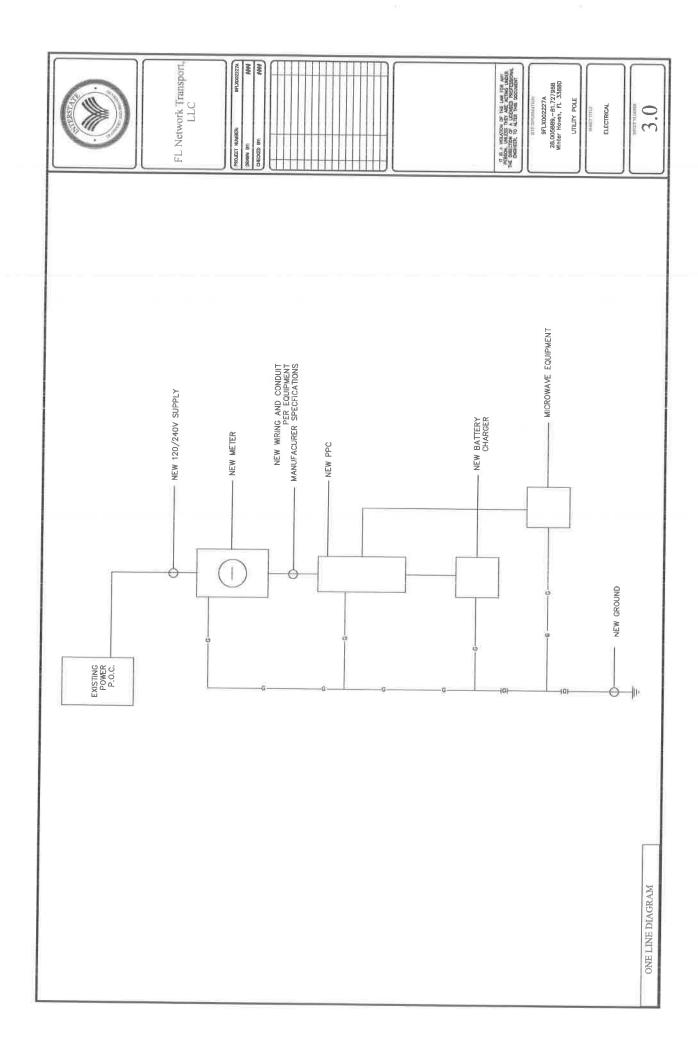
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TEXHIBIT PHOTO - GENERIC (NOT SITE SPECIFIC)



(2) AERIAL SITE LOCATION





Sheet 1 of 2

Engineering Services Division

490 3rd Street N.W. 33881 Phone 863-291-5851 9FLB004615

### **USE PERMIT**

Street Name Corner of Ave	H NE & 10th St. NE			Date _June 9, 2016
Located between10th St	treet NE	Street and	9th Street NE	Street
Permission Granted toMob	pilitie, LLC			Phone number - 727-512-5599
For construction and maintenar	nce of End user proposes to ir	nstall equipr	ment on a new pole w	vithin an existing ROW.
	Scope of work: Install a new	pole with p	roposed backhaul tra	nsport equipment.

This permit is subject to the following conditions:

- 1. The construction and maintenance of such utility shall not interfere with the property and the rights of a prior occupant.
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a.	Workers' Compensation/Employer's Liability:      For each accident     Disease – Policy Limit     Disease – Each Employee	(\$5,000,000.00) (\$5,000,000.00) (\$5,000,000.00)
b <sub>iri</sub>	Commercial General Liability ("CGL"):  For each occurrence  General Aggregate  Products/Completed Operations Aggregate  Personal and Advertising Injury	(\$5,000,000.00) (\$5,000,000.00) (\$5,000,000.00) (\$5,000,000.00)
	Posta and Automobile Police	

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Appr	oved by: Submitted by:(Applicant' Signature)
Date	Michael Nuckols
Duto	(Applicant's name printed)
SUN	SHINE ONE#
City o	of Winter Haven Engineering Services Division Permit #

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C:\Engineering\FORMS\USEPER UPDATE.DOC 11/21/2012

Note: Attach Applicable Plans as Required

## WINTER HAVEN, FL 33881 SITE ID: 9FLB004615 TA90XSDQKA AVE H NE & 10TH ST NE



DRAWN BY: CHECKED BY

END USER PROPOSES TO INSTALL EQUIPMENT ON AN EXISTING WOOD LIGHT POLE WITHIN AN EXISTING RIGHT-OF-WAY, THE SCOPE WILL CONSIST OF THE FOLLOWING: - INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON AN EXISTING WOOD LIGHT POLE PROJECT DESCRIPTION

LOCATION MAPS

GENERAL NOTES

CODES 2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

DRAWING INDEX	SHEET TITE	TITE SHEET	SITE PLAN & EXHIBIT PHOTO	POLE ELEVATIONS	POLE ELEVATIONS	ANTENNA & EQUIPMENT MOUNTING DETAILS	ANTENNA & EQUIPMENT DETAILS	ELECTRICAL DETAILS	GROUNDING DETAILS	GENERAL NOTES	GENERAL NOTES	TRAFFIC CONTROL PLAN	TYPICAL PEDESTRIAN / WORKER SAFETY PLAN	
	SHEET NO.	0.0	1.0	2.0	2.1	3.0	3.1	4.0	5.0	1-K	GN-2	6.0	6.1	

JACOBS ENGINEERING GROUP, INC.
5449 BELLS FERRY ROAD
ACMORTH, Os. SUIGZ
CONTACT, GARL KRATINA
FROLECTI MANAGES
FIEL (678) 460–1418
FAX. (770) 701–2501

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD COMUNITIONS ON THE JOSS STE & STALL IMMEDIATELY MOSTEY THE ARCHITECT/PENGERS IN REMING OF ANY DISCREDANCES BEFORE FROCEEDING WITH THE WORK OR BE RESCHASSIBLE FOR SAME.

BEFORE SCALING:

CITY OF WINTER HAVEN

JURISDICTION:

COUNTY:

POLK COUNTY ± 152' AMSL NAD 83

ARCHITECT/ENGINEER

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE
MANTENARCA. THE ROBLECT MILL NOT RESULT IN ANY SCANFIGANT DISTURBANCE OF EFFECT ON DRAWAGE. NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL. IS REQUIRED AND NO COMMERCIAL STONAGE IS PROPOSED.
PUBLIC RIGHT-OF-WAY
AVE H NE & TOTH ST NE
9258 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400
28" 1" 48.93" N (28.030257)
81' 42' 45.62" W (-81.712672)

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1 Dight St. NE	MAP DATA © 2015 GOOGLE

mobilitie

9258 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400

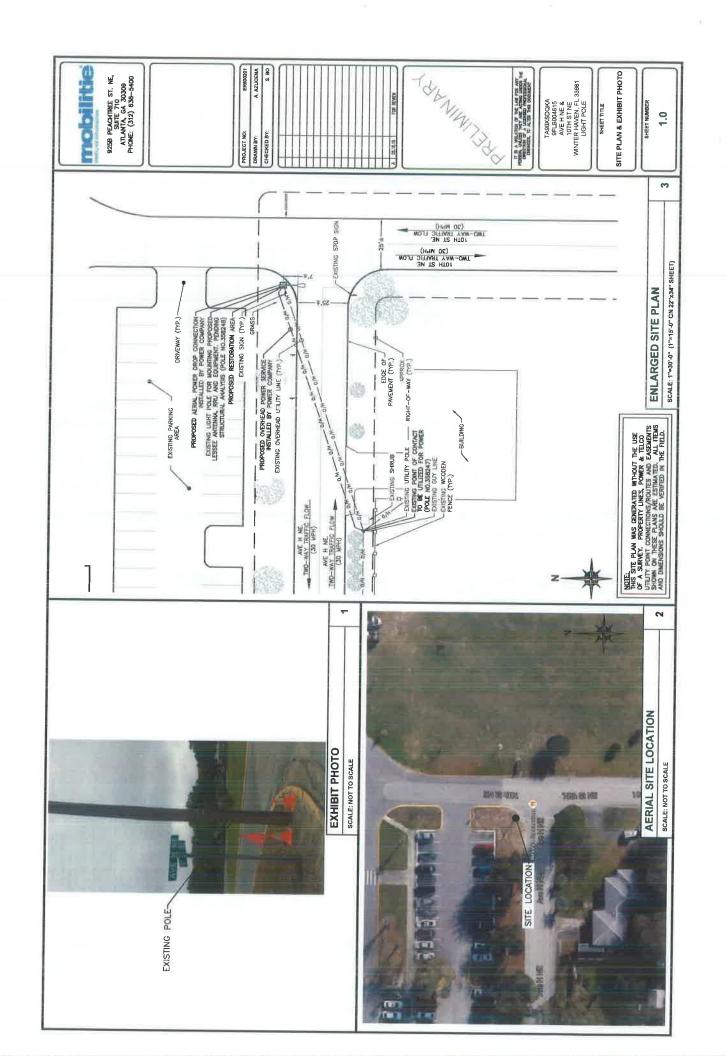
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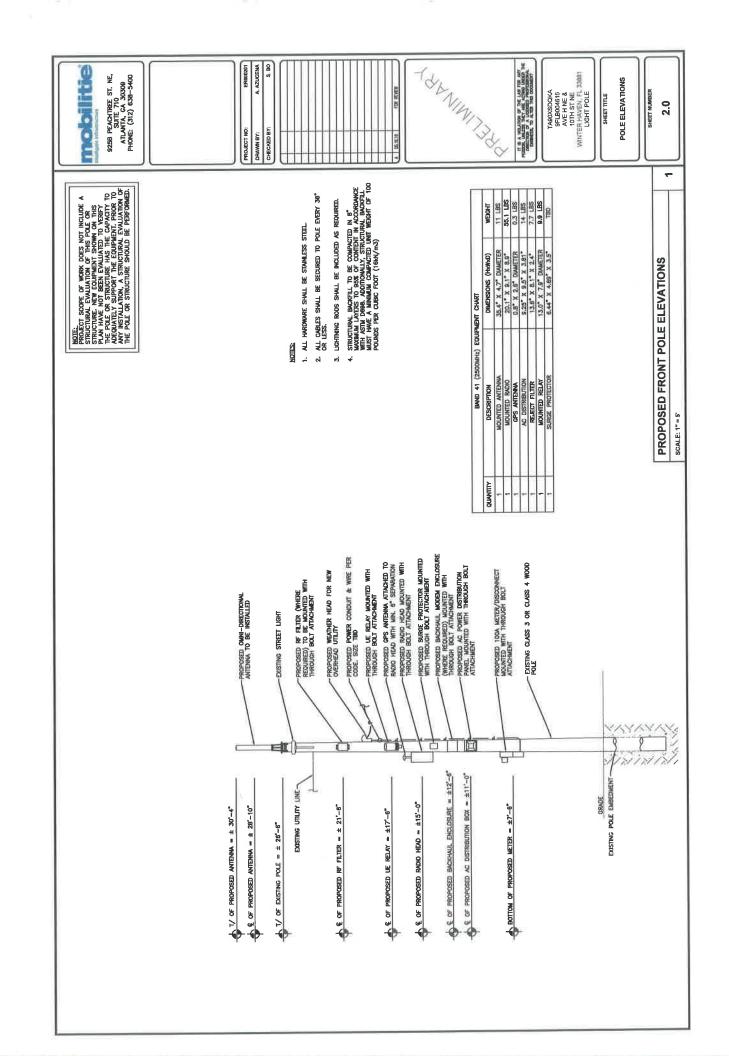
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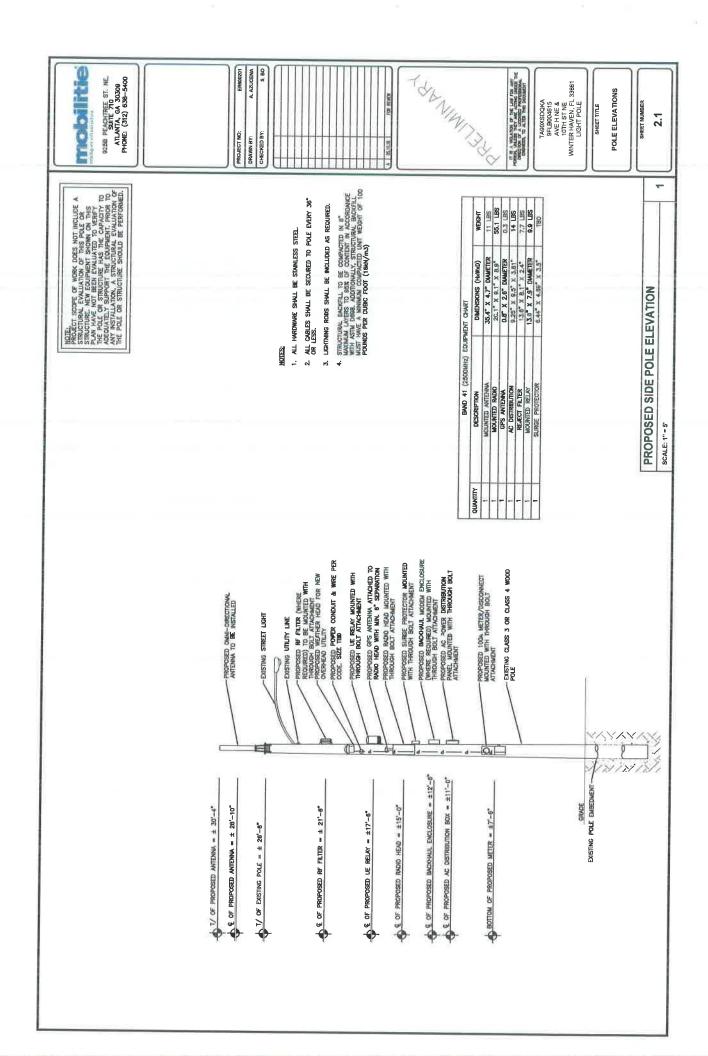
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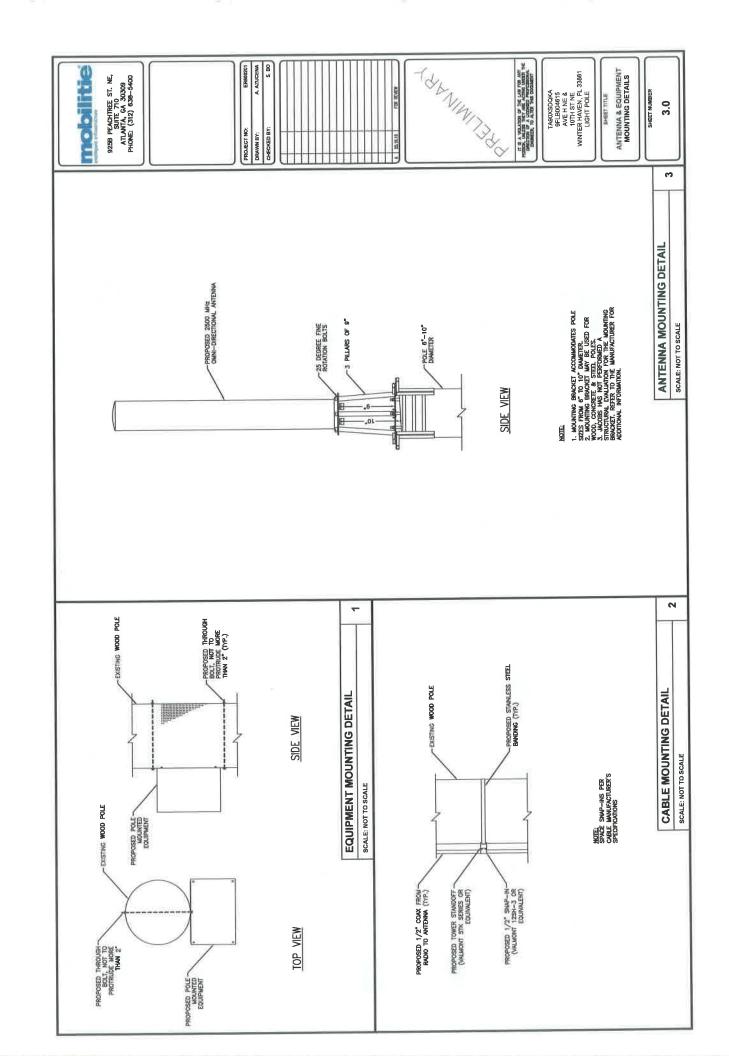
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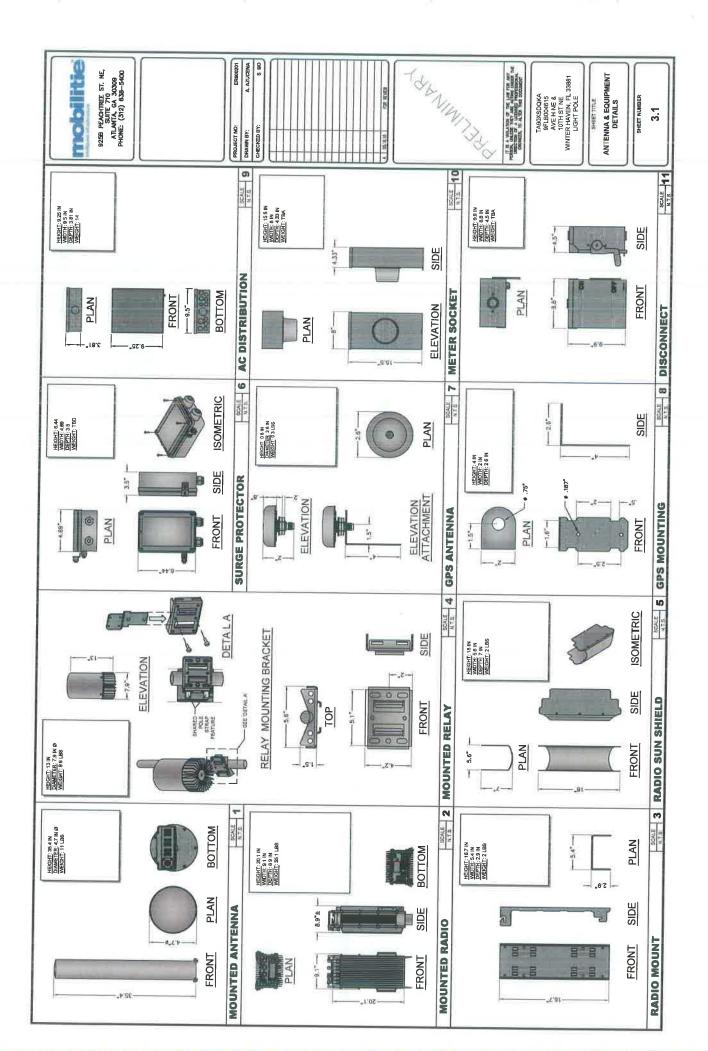
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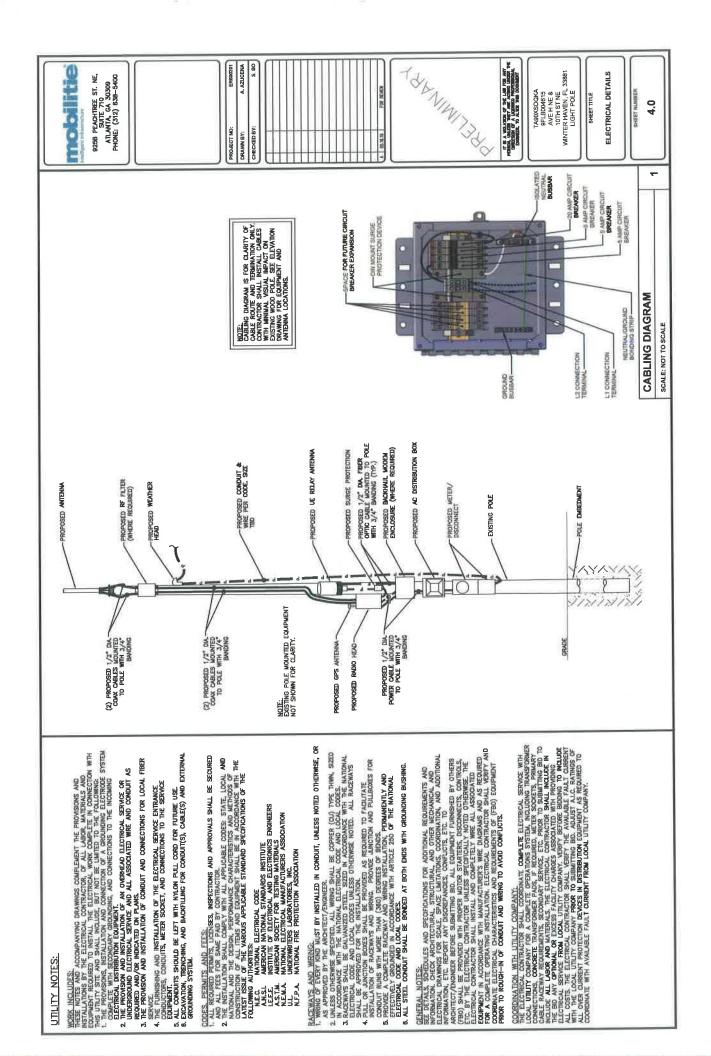


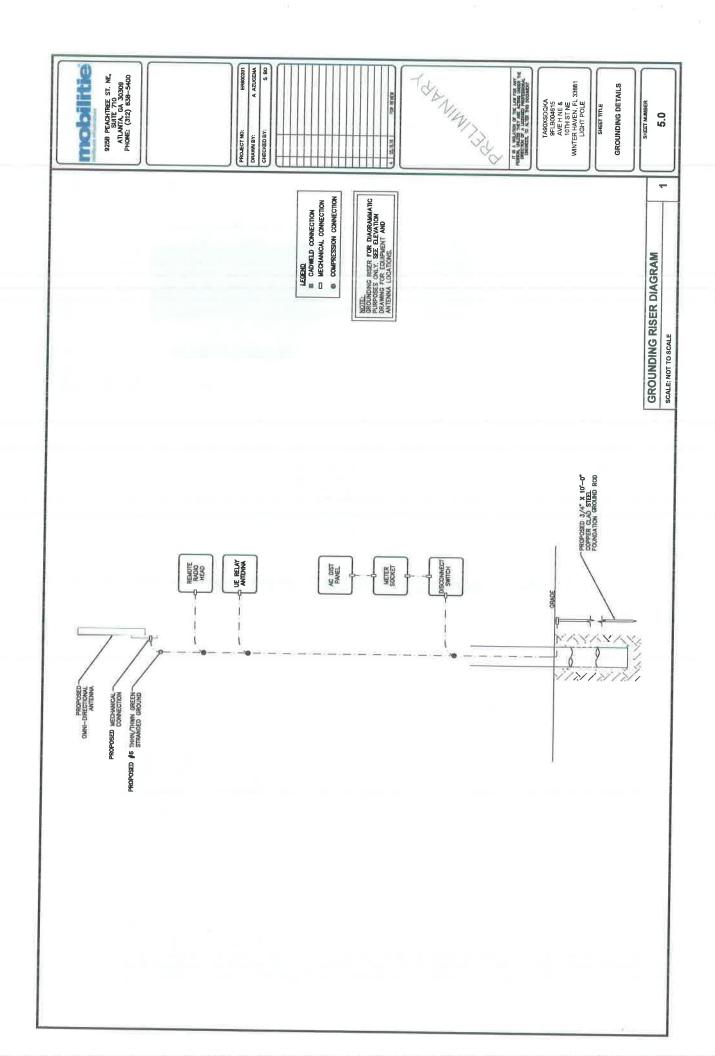












CONSTRUCTION DOCUMENT DRAWNES ARE INTERRELATED, WHEN PERFORMING THE WORK, CONTINUATION IN SEFER TO ALL DRAWNESS. COORDINATION IS THE RESPONSIBILITY OF STEERAL CONTINUATION.

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# GENERAL REQUIREMENTS

### PART 1 - GENERAL

- OBTAIN AND SUBMIT RELEASES EAVELING THE OWNER UNRESTRUCTED USE OF THE WORK AND ACCESS TO SERMICES. AND INTILITIES IN INCLIDE COCUPANCY PERMITS, OFBENTING CENTRALISES. SUBMIT RECORD DEVENING. SHELLINGS. SUBMIT RECORD DEVENING. SHELLINGS TO SUBMIT RECORD DEVENING. SUBMIT RECORD DEVENING. SUBMITS THAN RECORD INTORDAMENT, INCLUDING TOUGH—UP PARMITNE. TOUCH UP AND OTHERWISE REPAIR AND RESURES MARED EXPOSED PRISHES.
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## PART 2 - FINAL CLEANING

- 1. COMPLETE THE POLLOWING CLEANING OPERATIONS BEFORE REQUESTING INSPECTION FOR CERTIFICATION ON COMPLETE TOW.

  CONSTRUCTION, ACTIVITIES, INCLIDIOL LANGEAGE DEFLOCATION THREE DAY

  CONSTRUCTION, CATOMICS, INCLIDIOL LANGEAGE DEFLOCATION THREE DAY

  READS, WASTE, MATERIALS, LITTER AND POREIGN SUBSYNCES, SHEEP PAMER

  FORGION OPPOSITS, DAYC GROUNDS, THAT ARE NETHER PLANTED NON PANED. TO

  READOR (PLOSA), CONSTRUCTION EQUIPMENT, MACHINETY AND SURFAULS MATERIAL

  C. READOR SOWN AND KE TO PROVIDE SAFE ACCESS TO THE SITE CONDITION, FRE OF STAMES, FILMS, AND SUBJECTS, INCLIDIAL WATCHER, CONDITION, FRE OF STAMES, FILMS, AND SUBJECTS, STAMES AND DESTUBBING WATCHER, WENCE CONDITION, FRE OF STAMES, FILMS, AND SUBJECTS, STAMES DEPOSED FINANCES.

  E. MANHOLES, AND SUBJECTS FROM LINTED ACCESS SPACES, INCLUDING HANDLES, MACHINEL BEARDER, CONDITION, FRE OF STAMES, FROM EXPENSES, INCLUDING HANDLES, MACHINEL SEPREMENT SPENDED SUBFACES, INCLUDING BE STANES, INCLUDING BEARD FROM THE PERSON SUBFACES, THAT CANNOT BE STANESHED FOR SUBJECTS. THAT CANNOT BE STANESHED FOR SUBJECTS OF SUBJECTS. INCLUDING OR RESTORATION, DO NOT PANH OF OR? "UL", AND SUBJECTS THAT COMPLIES FROM LINES FOR THE SOCIETY OF ALL LOOP FOR PROPERSOR.

  H. LEATER FOR DEPOSED FOR SUBJECTS THAT COMPLIES FOR LANGE SUBJECTS. INCLUDING OR RESTORATION. BY SUBJECTS THAT COMPLIES FOR LANGE SUBJECTS. INCLUDING DEPOSED TO LEAN AND SUBJECTS THAT COMPLIES FOR LANGE SUBJECTS. INCLUDING THE PROPERSOR. THAT COMPLIES FOR LANGE SUBJECTS. INCLUDING THE PROPERSOR. THAT COMPLIES FOR LANGE THE PROPED TO LEAN AND SUBJECTS. THAT COMPLIES FOR LANGE THE PROPED THAT THE SOCIETY OF THE LANGE SUBJECTS. INCLUDING THE REMAINING PROPERSOR. THE SUBJECTS FOR LANGE THE PROPED THAT THE SUBJECTS OF THE LANGE SUBJECTS. INCLUDING THE REMAINING PROPERSOR. THAT COMPLIES THE SUBJECTS OF THE LANGE SUBJECTS OF THE SUBJECTS OF T

### SITE WORK

### PART 1 - GENERAL

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  WHER HOLLDELD: SEE SITE PAM,

  TO BE CONSTRUCTED TO PROVIDE A WELL DRAINED, EASLY MANTANED, EVEN SURFACE
  FOR USE MIN MOSES.
- A. APPLY SOIL STERLIZER IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION (CK REEDE).

  B. APPLY AND MANTAN GANES SEED AS RECOMMENDED BY THE SEED PRODUCER (F RECUMED).

  C. PLACE AND MANTAN VEGETATION LANDSCAPING, IF INCLUDED WITHIN THE CONTINUALLY, AS RECOMMENDED BY NUMERRY NOUSITRY SYNDAMOS.

- 6. SHBMITTALS

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  - MANUFACTURER'S DESCRIPTION OF PRODUCT AND WARRANTY
    STATEBLEY ON SOIL STERBLERS
    2. WANTFACTURER'S DESCRIPTION OF PRODUCT ON GRASS SEED AND
    FERTILEER, WARRANTY STATEMENT
    3. LANDSCHAME
    WARRANTY STATEMENT
- B. WARRANT S. DANDSCAPING WARRANTS STATEMENT A. IN ADDITION TO THE WARRANTY ON ALL COMPRECION CONFIDENT NEED CONTRACTING SHALL REPORT ALL DAMAGE. AND RESIDENCE AREA, AS CLOSES TO ORDERACTING SHALL REPORT AS POSSIBLE AT SITE. AND RESIDENCE AREA, AS CLOSES TO ORDERACTING SHALL AS POSSIBLE AT SITE. AND RESIDENCE AREA AS CLOSES TO ORDERACTING AS POSSIBLE AT SITE. AND RESIDENCE OF THE CONTRACT HAS POSSED AND ALL REPLECTED AND ALL MEMBERS COVER PROOR TO THAL DESIDENCE OF THE CONTRACT, MILL BE LANDSCAPING.

1. MATERALS A. SOIL STERLIZER SHALL BE EPA-REGISTERED, PRE-EMERGENCE LIQUID:

PHASAR CORPORATION P.O. BOX 5123 DEARBORN, MI 46128	FRAMAR INDUSTRAL PRODUCTS 1435 MORRIS AVE. INDION M. 07083	2000
TOTAL KILL PRODUCT 910 EPA 10282-7 (313) 563-8000	WABUSH HERBICIDE IPA REGISTERED	526-4924
TOTAL K PRODUC EPA 103 (313)	AMBUSH EPA REC	(000)

- B. ROAD AND SITE MATERALS SHALL CONFORM TO STATE AND LOCAL DOT ESPECIATIONS CENTER MATERIALS WITH STATE OF HIGHEN THE MATERIAL OF HIGHEN STATE DEPARTMENT OF HIGHEN PROPERTY. STATE DEPARTMENT STATE OF SECRETARIAL STATE OF STATE OF HIGHEN STATE DEPARTMENT OF HIGHEN STATE DEPARTMENT STATE DEPARTME

### PART 3 - EXECUTION

- A CLEAR BRUSH AND DEBRS TRON LESSE SPECETED BY JUNESDICTION

  ESCHIENTS AS RECURBED.

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  ENGINEER AND DEBRS TRON LESSES. TANASPORT ALL RELIGIONS TREES, BRUSH AND DEBRS TRON IN PROPERTY TO A ALTHRIGHED WITH A CHARLE SOIL CONTINUES OF THE SOIL CONTINUES AND THE SO 1. INSPECTIONS: LOCAL BUILDING INSPECTIONS SHALL BE WOTPIED NO LESS THAN 48 HOURS. IN JOHNNES OF CONCRETE POURS, UNLESS OTHERWISE SPECIFIED BY UNRESHORTION.

  2. PREPARATION.

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  A FLILING OF PROCEET AREA UNLESS JATHOGREED BY PROJECT MANAGER AND
  B PACKED TO BY LANDOWNER.
  B PACKED TO BY LOWER STOLING OF TO ALL OTHER DETURBED REDGE
  C. APPLY SEED, FERRILLER, AND STRAW COMER TO ALL OTHER DISTURBED REDGE
  D. APPLY SEED AND FRANKES, NOT OTHERWISE REPORTED. WILL DOCUMENT
  OTHER SEED AND FRANKES, NOT OTHERWISE REPORTED.
  D. APPLY SEED AND FRANKES. TO BE SEEDED TO REDGE THE SURFACE AND LOGISCH THE
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- METHOD SEEDED AREAS FROM EROSION BY SPREADING STIMM, TO A UNITORIAL AT MORECULAR STATEMENT OF A UNITORIAL AT MORES, STATEMENT AND AREA METHOD.

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AVE H NE & 10TH ST NE WINTER HAVEN, FL 33881 LIGHT POLE TA90XSDQKA 9FLB004615

GENERAL NOTES

SHEET NUMBER GN-1

### ELECTRICAL

- 1. CONTINUED SHALL REVIEW THE CONTINUED PRICE TO CHORDERIA THE CONTINUED CON
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- 7.

## SERVICE AND DISTRIBUTION

- 4
- WINE AND CARLE CONDUCTORS SAML BE COPPER, BOOV, TYPE THAN OR THANN, WITH A METER STOCK PARCE AND THE STEEP STOCK AMPRIES OF PHASES SAML BE NOTED ON THE COMMANNES, MANUFACTURED BY MEDIANK OR APPROPRIED BY MEDIANK OR APPROPRIED SOUTHWAY SAMULT SET STOCK STOCK STOCK SAMULT.
- 3. COMUNIC COMBUT SHALL BE ULL LABEL GALWANZED ZINC CONTEN WITH GALWANZED ZINC GONTEN WAS SHALL BE ULL LABEL GALWANZED ZINC CONTEN WAS SHALL BE USED WHEN WISHALLED NO BUNDER CONCRETE SLASS, IN CONTENT WITH THE EARTH, UNITED PUBLIC FROUNDWS, IN MACKING WITH THE EARTH, UNITED PUBLIC FROUNDWS, IN MACKING WITH THE CONTENT WITH THE WAS PROCESS NO. 3.

  IN FLOREL WASHLE BY 1/2 LAPPED WASHDED WITH HARTS WAS PROCESS NO. 3.

  IN FLOREL WASHLE BY 1/2 LAPPED WASHLED WITH SHALP PROCESS NO. 3.

  IN FIGURAL WITH THE CONDUCT SHALL HAVE LUSTED LABEL AND WITH BE USED WHEN EXAMILE TO SUNDAINTS SHALL HAVE FALL LENDER HONDOWN OF TREATMENT OF CONTRACTOR TO CONDUMINE WITH LUTHY COMPANY FROM PROPERTY OF THE ELECTRICAL STORING AND MALE OF THE ESPONSIBILITY OF THE ELECTRICAL STORING WASHLE WASHLE WASHLESS SHALL BE VARIED AND WITH HONDOWN OF TREATMENT OF CONTRACTOR OF THE PROMISES SHALL BE VARIED WITH FERNAMENT FROM WORK OF THE ESPONSIBILITY OF THE ELECTRICAL STORING AND PARTICIPATED AND WITH THE WASHLESS SHALL BE VARIED WHITH FERNAMENT FROM SHALL BE STORING WASHLESS STELL BENCHMARKED OF ALL DESIGNED SHALL BE VARIED WHY STANLESS STELL BENCHMARKED OF ALL DESIGNED SHALL BE STANLED WHY STANLESS STELL BENCHMARKED OF THE CONTRACTOR OF ALL DESIGNED SHALL BE STANLED WHY STANLESS STELL BENCHMARKED OF ALL DESIGNED SHALL BE STANLED WHY STANLESS STELL BENCHMARKED OF ALL DESIGNED SHALL BE STANLED WHY STANLESS STELL BENCHMARKED OF ALL DESIGNED SHALL BE STANLED WHY STANLESS STELL BENCHMARKED OF ALL DESIGNED SHALL BE STANLED WHY AND LEAVE WORK IN A A SOUTHWARK AND LEAVE WORK IN A STANLESS WASHED.
- 'n
- 1. SURFACE PREPARATION: ALL CONNECTIONS SHALL BE MADE TO BANE METAL
  ALL PANTIES SURFACES SHALL BE THE BLOOM NO MODELED TO
  BEING PROPER CONTACT, NO WASHERS ARE ALLOWED BITWENT THE FIRST
  BEING SHOUGHD. ALL CONNECTIONS NEE TO HAVE A NON-CONDITION OF THE BLOOM SHOUGHD BITWENT THE FIRST PROPER CONNECTIONS NEED TO SHALL MICHAEL STATES AND THE BLOOM SHOUGHD BITWENT THE BLOOM SHALL MICHAEL SHOUGHD BITWENT THE BLOOM SHALL BE ADDRESSED SHALL BIT AND SHOUGHD SHALL BIT AND SHALL BIT AN

- LONG SUPERIOR PACES, ALL GROUND ROSE SAUL GE 5/8-INCH DIAMETER X 10-0° LONG SUPERIOR CONTROL OF THE NUMBER WILL CONTROL OF SUPERIOR CONTROL OF THE CONTROL OF SUPERIOR CONTROL OF THE LIBERTH SERVER OF THE LIBERTH SERVER OF THE CONTROL OF SUPERIOR CANDIDATIONS, ALL GROUND CONDUCTORS SAUL GE STANDARD TINNED SOLD BARE COPPER, NABELIEF, AND OF SIZE INDICATED ON MANIMISM SULLESS OFFERWISE NOTED.

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535 MCM DLO 262 MCM DLO #1/0 DLO #4/0 THWN AND #2/0 THWN #2 THHN
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WHEN THE DRECTION OF THE CONDUCTOR MUST CHANGE, IT SHALL BE DONE GRADUALLY, THE CURNATURE OF THE TURN SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING CHART: N

MANIMUM BENDANG RADIUS TO INSIDE EDGE	6 INCHES 8 INCHES 12 INCHES 24 INCHES
ROUNDING CONDUCTOR SIZE	VO. 6 AWG TO NO. 4 AWG VO. 2 AWG TO NO 1/0 AWG VO. 2/0 AWG TO 4/0 AWG ESD MCM TO 750 MCM

GROUNDING RESISTANCE TEST REPORT: UPON COMPLETION OF THE TESTING FOR EACH SITE, A TEST REPORT SHOWING RESISTANCE IN OHME MIST BE STRANGTED, TWO (2) SETS OF TEST DOCUMENTS FROM THE INDEPENDENT TESTING STRANGE, RRE TO BE BOUND AND SUBMITTED WITHIN ONE (1) WEEK OF WORK COMPLETION.

# SINGLE MAST AND SELF SUPPORTING TOWERS)

- 1. GENERAL **≺** 6
- LIGHTHING ROD AND EXTENSION PIPE INCLUDING ALL APPLIETZANCES, TO BE REMONSEED BY OWNER, IF REQUISED, GROUNDING, GROUND LETA, PULES WITH A MANAKAN OF \$2 AND TINEED SOLID SAME COPPER CONDUCTOR CAUNELDED TO TOWNER SACE PALTE.

# TELECOMMUNICATIONS WIRING COMPONENTS (COAXIAL ANTENNA CABLE)

- A LAL MATERALS, PRODUCTS OR PROCEDURES INCORPOGATED INTO WORK SHALL BE WITH WHO OF TARMARD COMBECTAL, OLUMIN, B. ALL MATERALS, AND PRODUCTS SPECIFIED IN THE COMPINENT DICHARMS. SHALL BE SUPPLIED BY THE COMPINATION UMESS NOTED OFFERING. MATERALS: A. COAXIAL CABLE:
- AND SUPPLY COACH, CABLE AND TERMINATIONS BETWEEN ANTENNAS

  NOT SUPPLY COACH, CABLE SUPPLY SECONMENDATIONS WITH
  COACH, CABLE SUPPLY SECONMENDATIONS WITH
  COACH, CABLE THEE TEST (3) IN EXCESS OF EQUIPMENT

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  LICATION LIKES ON-FRANCE STATE.

  3. ANTENNA AND COACH, CABLE GROUNDON OF TIST OF IN SECURITY ON STRAIGHT

  A TO COACH, CABLE GROUNDON ON THE BOX SI

  4. COACH, CABLE GROUNDON ON LINETER MARKING OF ANTENNA

  A TO PROVIDE EAST EDENTIFICATION AND LINETER MARKING OF ANTENNA

  A TO PROVIDE EAST EAST ENTER SAT THE END OF THE COACH COACH

  A THE THE THE TEST STATE THE THE TO SECURITY OF THE THE TOWN IN EXPERT THE
- A TO PROVIDE EASY IDENTIFICATION AND LANFORM WARRONG OF ANTENNA CARLINA, PLASTIC KNOS SHALL BE USED AT THE POLLOWING LOCATIONS.

  1. ANTENNA (WHERE THE COAKML CABLE AND JUNIFER ANTENDATION IS AT THE BID OF THE COAK MEAREST THE COAKML CABLE AND JUNIFER ANTENDATION IS AT ENO OF THE COAK MEAREST THE EQUIPMENT.

  B. WERNELLE TESS (FIG. 4.7.200) TO SECURE DESTINATION TAGS.

  1. TESSING SHALL PROVIDE, AN INCEPTIONIT TESTING AND MEASURED TEST AND THE SETS THE ASTORMS. THE COAKMACHOR IS TO PROVIDE ONE CALMERY/JUNIFED PERSONNEL. TO ASSEST MAY REQUIRE AND WARMHER DOOR THE MAY REQUIRE AND WARMHER DOOR THE THE OF THE SHEED TESSING.

  A REMINIUM OF 48 HOURS NOTICE FROM TO THE TIME OF THE SHEED TESSING.

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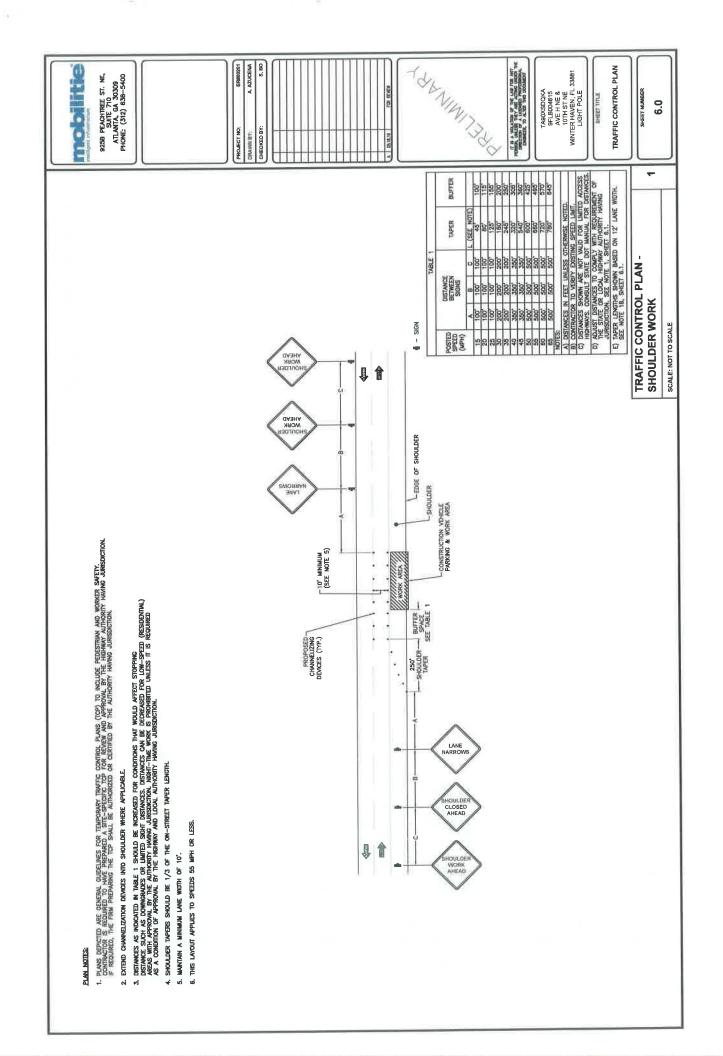
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GENERAL NOTES

SHEET NUMBER GN-2



## TRAFFIC CONTROL GENERAL NOTES

- ALL TEMPORARY TRAFFIC CONTROL, STRANGE, LAYOUTS
  AND PROCEDURES SHALL COMPILEY WITH LOSS
  URRISHDETOWY, PECURIBELITYS AND MANULL, OF UNITOWAL TRAFFIC
  CONTROL, DENOES (MUTCO), LATEST EDITION, WHICHEVER IS MORE STRANGENT.
  - PRIOR TO ANY ROAD CONSTRUCTION, TRAFFIC CONTROL SIGNS AND DEVICES SHALL BE IN PLACE. d
- TRAFFIC CONTROL, DENDES FOR LAWE CLOSURES INCLIDING SIGNS, CONES, BARROUGES, FLC. SAML. BE PACED AS SHOWN ON PANS, SIGNS SHALL NOT BE PACED WITHOUT ACTIOL, UNE CLOSURES AND SHALL BE IMMEDIATELY REMOVED UPON REMOVAL OF THE CLOSURES.

9259 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400

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- - ADANCE WARNING SIGNE, DISTANCES, AND TAPER LENGTHS MAY BE POTRIBLED TO ALQUIST TOR REDUCED YORSHITTY DATE. TO HORZONTAL, AND VERTIGAL CLIANATHE OF THE ROLDWAY AND FOR ACTUAL, TRAFFIC SPEEDS F IN EXCESS OF POSTED SPEED LIMITS. κi
    - MAPERS SHALL BE LOCATED TO MAXIMIZE THE VISIBILITY OF THEIR TOTAL LENGTH.
- CONFLICTING OR NON-OPERATING SIGNAL INDICATIONS ON THE EXISTING TRAFFIC SIGNAL SYSTEMS SHALL BE BAGGED OR COVERED. 7
- ALL ENSTRUCTION ROLD STAND SHAPE IN WARRINGS AND VOR PLOWABLE PARENETY BESTEROOF SHAPE SHA
  - CONTRACTOR SYALL CONTACT LOCAL AUTHORITY HANNE HIGHW JURSDICTION AND PROVIDE ADDITIONAL "FLAGMEN" OR POLICE SUPERVISION, IF REQUIRED.
- ALL EXCHANTED AREAS WITHIN OR ADJACENT TO THE RODOWNY ORAL OF MONEY DAY, OR ADJACEN ON A MINIMULA BEN'S STOPE PRIOR TO BE DON'S OF ETHER EXCHANTED AREAS PRIOR SET OF SET DAY, OTHER PROCEST CONCRETE CURB BARRER CONSTITUTION BARRER SET TRANSPORTED ON PROCEST CONCRETE CURB BARRER CONSTITUTION BARRER SET TRANSPORTANT NO PLACE TO SHIELD VERBOULDEN BARRER SET TRANSPORTANT OF PRECESSION. 9
- WHERE DICTATED BY LOCAL CONDIDORS, THE CONTRACTOR SHALL MAKE PROVISIONS FOR MARTANING PEDESTRAM AND WORKER CROSSING LOCATIONS IN ACCORDANCE WITH ALL APPLICABLE DODGS AND GSSAN REQUIREMENTS. ij
- CONSTRUCTION ZONE SPEED LIMIT IF REDUCED FROM POSTED LIMITS SHALL BE IN ACCORDANCE WITH MUTCO AND WILL BE DETERMINED BY THE AUTHORITY HAVING JURISDICTION. 4
- THERE SHALL BE NO WORKERS, EQUIPMENT, OR OTHER VEHICLES IN THE BUFFER SPACE OR THE ROLL AMEAD SPACE. ij
- DRIVEWIYS AND/OR SIDE STREETS ENTERING THE ROADWAY AFTER THE FIRST ADVANCE WARNING STON SHALL BE PROMISED WITH AT LEST ONE WZO-1 SIGN (RICAD WORK AFEAD) AS A MANMUM. 4

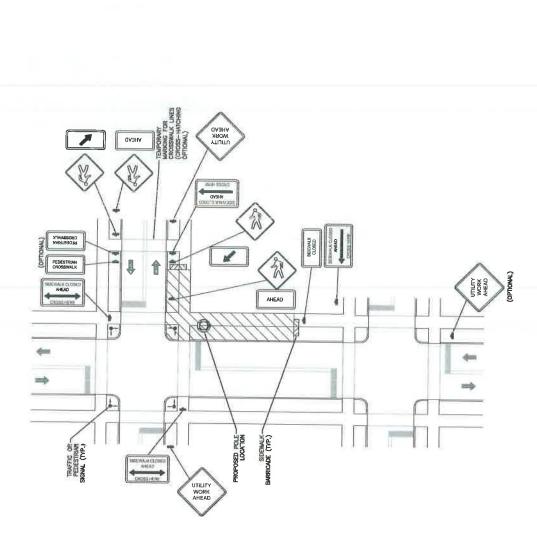
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- CONES MAY BE SUBSTITUTED FOR DRUMS AND INSTALLED UPON THE APPROVAL OF THE AUTHORITY HAVING JURISDICTION PROVIDED THEY COMPLY WITH MUTCO. ij
- THE SHANN'S BETHERN CONES, TUBLUAR MANCHES, VERTICAL PANELS, DORING, TO THE EQUAL OF THE TOTAL A DISTANCE IN TEST EQUAL OF THE COUNTY OF THE TOTAL OF THE STATEMENT OF THE STATEMENT OF THE STATEMENT IN THE THE THE STATEMENT IN THE THE STATEMENT OF THE STATEMENT 9
- WHEN CHANNELIZATION DENCES HAVE THE POTENTIAL OF LEADING VEHICULAR PROTESTIAL. THE CHANNELIZATION VEHICLIZATION CONT. OF THE CHANNELIZATION VEHICLS SHOULD BE STEPLISED A DISTANCE. IN FEET OF 2.0 THAIS THE SPEED LIMIT IN APPR BEYOND THE DOWNSTREAM SIDG OF THE TRANSSTION ARE. 17.
  - TAPER LENGTHS ARE CALCULATED AS FOLLOWS: L= WS/60 (40 MPH AND HIGHER) OR L2= WS (0YER 40 MPH), WHERE W= OFFSET MIDTH (FT), S= TRAFFIC SPEED (MPH). ₽



TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

SCALE: NOT TO SCALE

TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

SHEET TITLE

6.1

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Sheet 1 of 2 9FLX002223

### CITY OF WINTER HAVEN

Engineering Services Division 490 3rd Street N.W. 33881 Phone 863-291-5851

### **USE PERMIT**

Street Name Ave C N	N			Date June 9	, 2016
Located between 2r	d Street NW	, Street and	1st Terrace NW		Street
Permission Granted to _	Mobilitie, LLC			Phone number -	727-512-5599
For construction and mai	ntenance of End user proposes to	install a 120'	new pole within an e	xisting ROW	
	Scope of work: Install a ne	w pole with pr	oposed backhaul tra	nsport equipmen	nt.

This permit is subject to the following conditions:

- 1. The construction and maintenance of such utility shall not interfere with the property and the rights of a prior occupant.
- 2. All work shall be done in keeping with standards established by the Engineering Services Director and under the supervision of Mike Foster, City Construction Inspector, Phone (863) 291-5850, Cell (863) 287-2727.
- 3. All material and equipment shall be subject to inspection by a representative of the Engineering Services Director.
- 4. Construction shall be performed in a safe manner and in accordance with the regulations of OSHA, USDA and other applicable agencies. The City shall be relieved of all responsibilities for damages of any nature arising from this permit. Subject to the above terms and conditions, the permittee shall take such safety measures, including placing and display of caution signs, as good practice dictates in conduct of construction and maintenance work herein described.
- 5. The permittee shall provide for safe pedestrian traffic throughout the construction time. Where existing sidewalks and other walkways exist prior to this work, they or safe alternate trafficable ways, shall be maintained.
- 6. All city property shall be restored to its original condition to the satisfaction of the Engineering Services Director and/ or his authorized representative.
- 7. The applicant shall indemnify, defend, and hold harmless the City from and against any and all claims, suits, actions, judgments, demands, taxes, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of the applicant, its officers, employees, agents, or representatives that may occur by reason of this construction.
- 8. The attached sketch covering details of this construction shall be made a part of this permit.
- 9. The applicant, at a minimum, shall obtain insurance coverage for specific risks and in such amounts and with insurers as determined acceptable by the City. Any such insurance coverage(s) required by the City shall represent the minimum amount of coverage required. The applicant, at its sole cost, shall obtain insurance coverage(s) as follows:

a.	<ul> <li>Workers' Compensation/Employer's Liability:</li> <li>For each accident</li> <li>Disease – Policy Limit</li> <li>Disease – Each Employee</li> </ul>	(\$5,000,000.00) (\$5,000,000.00) (\$5,000,000.00)
b.	Commercial General Liability ("CGL"):     For each occurrence     General Aggregate     Products/Completed Operations Aggregate     Personal and Advertising Injury	(\$5,000,000.00) (\$5,000,000.00) (\$5,000,000.00) (\$5,000,000.00)

- Business Automobile Policy:
  - Each occurrence and bodily injury and property damage liability combined

(\$5,000,000.00)

<sup>10.</sup> It is expressly stipulated that this permit is a license for permissive use only and that placing of facility upon public property pursuant to this permit shall not operate to create or to vest any property in the permittee or his client.

	and efficient operation, alteration or relocation of all, or any portion of said Transportation Facility/City Property as determined by t Engineering Services Director, any or all utilities and appurtenances authorized here under or any shall be immediately removed from said Transportation Facility/City Property or reset or relocate thereon as requested by the Engineering Services Director and at the expense of the Permittee.	m
11.	The permittee shall commence actual construction in good faith on TBD and shall complete the construction within days. This permit shall be void if the work is not started within sixty (60) days from date of said permit.	
12.	Applicant declares that prior to filling out the application he has ascertained the location of all existing utilities, both aerial a	
	underground. Applicant also declares that all other utilities within the area were notified and that he is including a notification co with this permit application. List the name of the Utility, Date, and the authorized Contact person from each Utility that we contacted:  Mobilitie, LLC will send all required utility notification letters, and proof of such notification, when Mobilitie's project to install utility poles within the C rights-of-way has been spproved by the City.	re hty:
13.	Notify the Engineering Services Division (863) 291-5851 a minimum of 48 hours prior to the commencement of construction. SUNSHINE ONE number must be provided at this time. Failure to provide proper notification may result in the stoppage of wo <b>Notify the Engineering Services Division the day construction actually commences.</b>	A rk.
14.	If the applicant transfers or assigns its assets located within the City's right-of-way, the transferee or assignee shall be obligated comply with the terms of this Use Permit and any and all applicable provisions of the WHC.	to
15.	Nothing herein is intended to waive the City's sovereign immunity or the limits of its liability under Section 768.28 of the Flori Statutes regardless of whether such claims are based on contract, statute, tort, strict liability, product liability, negligence or otherwise.	da se.
16.	The use of missiles is limited and must be approved by the Engineering Services Director prior to Construction	n.
Appr	roved by:	_
Date	Michael Nuckols	
	(Applicant's name printed)	
SUN	SHINE ONE#	
City	of Winter Haven Engineering Services Division Permit #	

Pursuant to section 337.403(1), Florida statutes, whenever necessary for the construction, repair, improvement maintenance, safe

Note: Attach Applicable Plans as Required

C:\text{VEngineering\text{VFORMS\USEPER UPDATE DOC}} 11/21/2012

# 9FLX002223A

28.025009, -81.728178

FL Network Transport,

TTC

Winter Haven, FL 33881



CODES 2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

SHEET INDEX	SHEET DESCRIPTION	TITLE SHEET	EXHIBIT PHOTO & SITE PLAN	UTILITY POLE ELEVATIONS	ELECTRICAL
	SHEET	0.0	1,0	2.0	3.0

Call before you dig.

Know what's below.

## GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
ANATEMACE. THE PROJECT WILL NOT RESULT IN ANY
SCHAFFANT DISTURBANCE OF FERTOR ON DAMAGE; NO
SANITARY SEREN SERVED, POWELE WITER ON TRASH DISPOSAL,
IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

SILE INFORMATION	9FLX002223A	28.025009
311	POLE 10:	LATITUDE:

LONGITUDE:	81.728178
ADDRESS/CROSS STREET:	
CITY, STATE ZIP:	Winter Hoyen, Ft. 33681
PROPERTY OWNER	PUBLIC RIGHT-OF-WAY
APPLICANT	FL Network Fransport, LLC
APPLICANT ADDRESS	925B Peachtree St. NE, Suite 710 Atlanta, GA 30309

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS SEED CONDITIONS ON THE LOB STILE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT/PENANCE IN WRITING OF ANY RESERVANCES BETOKE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. DO NOT SCALE DRAWINGS

REGIONAL MAP SITE **LOCATION MAPS** SITE VICINITY MAP

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNITES THEY ARE ACKIND UNDER THE DISCUSSIONAL ENGINEER. TO ALTER THIS DOCUMENT 9FLXD02223A 28.025009,—81.728178 Winter Haven, FL 33881 ENGINEER

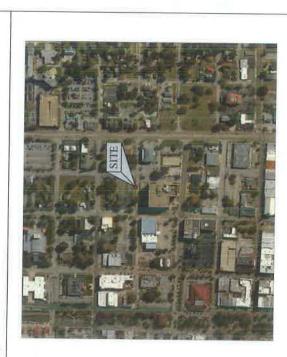
UTILITY POLE

TITLE SHEET

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TEXHIBIT PHOTO - GENERIC (NOT SITE SPECIFIC)



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NOTE:
PROPOSED 120'0" POLE IN THE R.O.W.
R.O.W. BOUNDARIES TO BE CONFIRMED AFTER
SURVEY

FL Network Transport, LLC

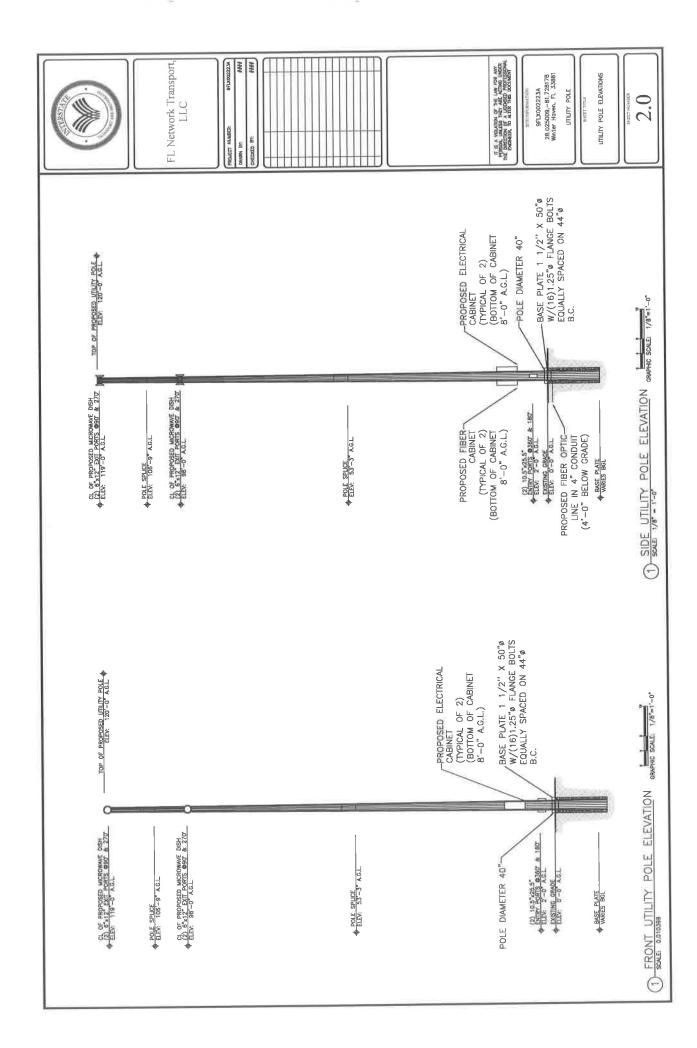


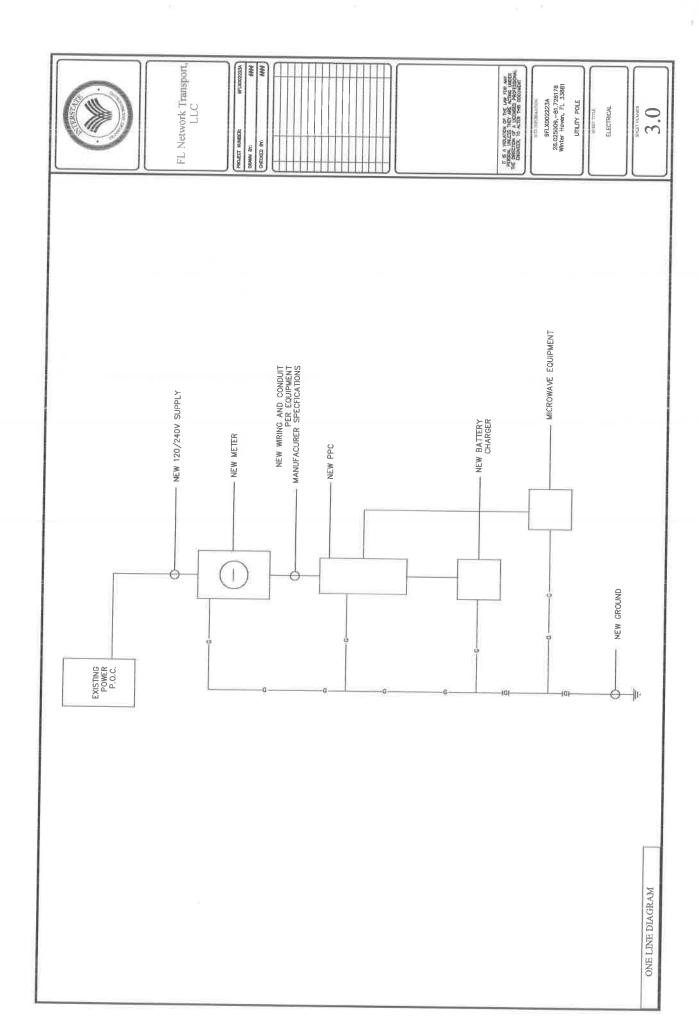
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SITE INFORMATION
9FLX0022234
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Winter Hoven, FL 53881
UTILITY POLE

EXHIBIT PHOTO & ENLARGED SITE PLAN

Autor Waters





Sheet 1 of 2

### CITY OF WINTER HAVEN

Engineering Services Division 490 3rd Street N.W. 33881 Phone 863-291-5851

### **USE PERMIT**

Site Location: 28.004107-81.716575

Street Name Cypress Gardens Blvd			Date June 9, 2016	
Located between 6th Street SE	, Street and _	8th Street SE	Street	
Permission Granted toMobilitie, LLC			Phone number - 727-512-5599	
For construction and maintenance ofEnd user proposes to install equipment on a new pole within an existing ROW.				
Scope of work: Install a new pole with proposed backhaul transport equipment.				

This permit is subject to the following conditions:

- 1. The construction and maintenance of such utility shall not interfere with the property and the rights of a prior occupant.
- 2. All work shall be done in keeping with standards established by the Engineering Services Director and under the supervision of Mike Foster, City Construction Inspector, Phone (863) 291-5850, Cell (863) 287-2727.
- 3. All material and equipment shall be subject to inspection by a representative of the Engineering Services Director.
- 4. Construction shall be performed in a safe manner and in accordance with the regulations of OSHA, USDA and other applicable agencies. The City shall be relieved of all responsibilities for damages of any nature arising from this permit. Subject to the above terms and conditions, the permittee shall take such safety measures, including placing and display of caution signs, as good practice dictates in conduct of construction and maintenance work herein described.
- 5. The permittee shall provide for safe pedestrian traffic throughout the construction time. Where existing sidewalks and other walkways exist prior to this work, they or safe alternate trafficable ways, shall be maintained.
- 6. All city property shall be restored to its original condition to the satisfaction of the Engineering Services Director and/ or his authorized representative.
- 7. The applicant shall indemnify, defend, and hold harmless the City from and against any and all claims, suits, actions, judgments, demands, taxes, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of the applicant, its officers, employees, agents, or representatives that may occur by reason of this construction.
- 8. The attached sketch covering details of this construction shall be made a part of this permit.
- 9. The applicant, at a minimum, shall obtain insurance coverage for specific risks and in such amounts and with insurers as determined acceptable by the City. Any such insurance coverage(s) required by the City shall represent the minimum amount of coverage required. The applicant, at its sole cost, shall obtain insurance coverage(s) as follows:

(\$5,000,000.00)

(\$5,000,000.00)

- Workers' Compensation/Employer's Liability:
   For each accident
   Disease Policy Limit
  - Disease Each Employee (\$5,000,000.00)
- Commercial General Liability ("CGL"):

	For each occurrence	(\$5,000,000.00)
•	General Aggregate	(\$5,000,000.00)
•	Products/Completed Operations Aggregate	(\$5,000,000.00)
•	Personal and Advertising Injury	(\$5,000,000.00)

- c. Business Automobile Policy:
  - Each occurrence and bodily injury and property damage liability combined (\$5,000,000.00)
- 10. It is expressly stipulated that this permit is a license for permissive use only and that placing of facility upon public property pursuant to this permit shall not operate to create or to vest any property in the permittee or his client.

	said Transportation Facility/City Property or reset or relocate thereon as requested by the Engineering Services Director and at the expense of the Permittee.
11.	The permittee shall commence actual construction in good faith on <u>TBD</u> and shall complete the construction within 7 days. This permit shall be void if the work is not started within sixty (60) days from date of said permit.
12.	Applicant declares that prior to filling out the application he has ascertained the location of all existing utilities, both aerial and underground. Applicant also declares that all other utilities within the area were notified and that he is including a notification copy with this permit application. List the name of the Utility, Date, and the authorized Contact person from each Utility that were contacted:  Mobilitie, LLC will send all required utility notification letters, and proof of such notification, when Mobilitie's project to install utility poles within the City's rights-of-way has been spproved by the City.
13.	Notify the Engineering Services Division (863) 291-5851 a minimum of 48 hours prior to the commencement of construction. A SUNSHINE ONE number must be provided at this time. Failure to provide proper notification may result in the stoppage of work. <b>Notify the Engineering Services Division the day construction actually commences.</b>
14 <sub>®</sub>	If the applicant transfers or assigns its assets located within the City's right-of-way, the transferee or assignee shall be obligated to comply with the terms of this Use Permit and any and all applicable provisions of the WHC.
15.	Nothing herein is intended to waive the City's sovereign immunity or the limits of its liability under Section 768.28 of the Florida Statutes regardless of whether such claims are based on contract, statute, tort, strict liability, product liability, negligence or otherwise.
16.	The use of missiles is limited and must be approved by the Engineering Services Director prior to Construction.
Appr	oved by: Submitted by :(Applicant' Signature)
Date	Michael Nuckols
	(Applicant's name printed)
SUN	SHINE ONE#
City	of Winter Haven Engineering Services Division Permit #

Pursuant to section 337.403(1), Florida statutes, whenever necessary for the construction, repair, improvement maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said Transportation Facility/City Property as determined by the Engineering Services Director, any or all utilities and appurtenances authorized here under or any shall be immediately removed from

Note: Attach Applicable Plans as Required

C:\Engineering\FORMS\USEPER \UPDATE.DOC \u211121/2012

## CYPRESS GARDENS BLVD & WINTER HAVEN, FL 33880 SITE ID: 9FLB004612 TA90XSDQHA SE PLAZA RD



DRAWING INDEA	SHEET 11TLE	TITLE SHEET	SITE PLAN & EXHIBIT PHOTO	POLE ELEVATIONS	POLE ELEVATIONS	ANTENNA & EQUIPMENT MOUNTING DETAILS	ANTENNA & EQUIPMENT DETAILS	ELECTRICAL DETAILS	GROUNDING DETAILS	GENERAL NOTES	GENERAL NOTES	TRAFFIC CONTROL PLAN	TYPICAL PEDESTRIAN / WORKER SAFETY PLAN	
	SHEET NO:	0.0	1.0	20	21	3.0	3.1	4.0	5.0	GN-1	GN-2	6.0	6.1	

SITE

SITE

9258 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400

CYPRESS GARDENS BLVD & SE PLAZA RD PUBLIC RIGHT-OF-WAY

ADDRESS/CROSS ST:

PROPERTY OWNER:

мовіпте, пс

APPLICANT: APPLICANT ADDRESS:

SITE INFORMATION

81' 42' 59.67" W (-B1.716575) 28° 0° 14.79" N (28.004107)

CITY OF WINTER HAVEN

JURISDICTION:

COUNTY

POLK COUNTY ± 170' AMSL NAD 83

GROUND ELEVATION:

LAT/LONG TYPE:

LONGITUDE: LATITUDE:

Cypress Gardens Blvd

IT IS A VOLATION OF THE LIST FOR NAT-POSSITION OF A LICENSE PROTESSORY, DISERSOR, TO A 123 THIS DOCUMENT

JACOBS ENGINEERING GROUP, INC. 5449 BELLS FERRY ROAD ACHORNII, CA. 2010 CONTINCIS, KARL KRATINA PROJECT MANAGRE TEL. (1707) 460–1418 FAX. (1707) 701–2501

ARCHITECT/ENGINEER

END USER PROPOSES TO INSTALL EQUIPMENT ON AN EXISTING CONCRETE UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING: - INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON AN EXISTING CONCRETE UTILITY POLE PROJECT DESCRIPTION CODES 2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

REGIONAL MAP

LOCATION MAPS

VICINITY MAP

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
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GENERAL NOTES

TITLE SHEET

CYPRESS GARDENS BLVD & SE PLAZA RD WINTER HAVEN, FL 33880 UTILITY POLE

TA90XSDQHA 9FLB004612

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MAP DATA @ 2015 GOOGLE MAP DATA @ 2015 GOOGLE

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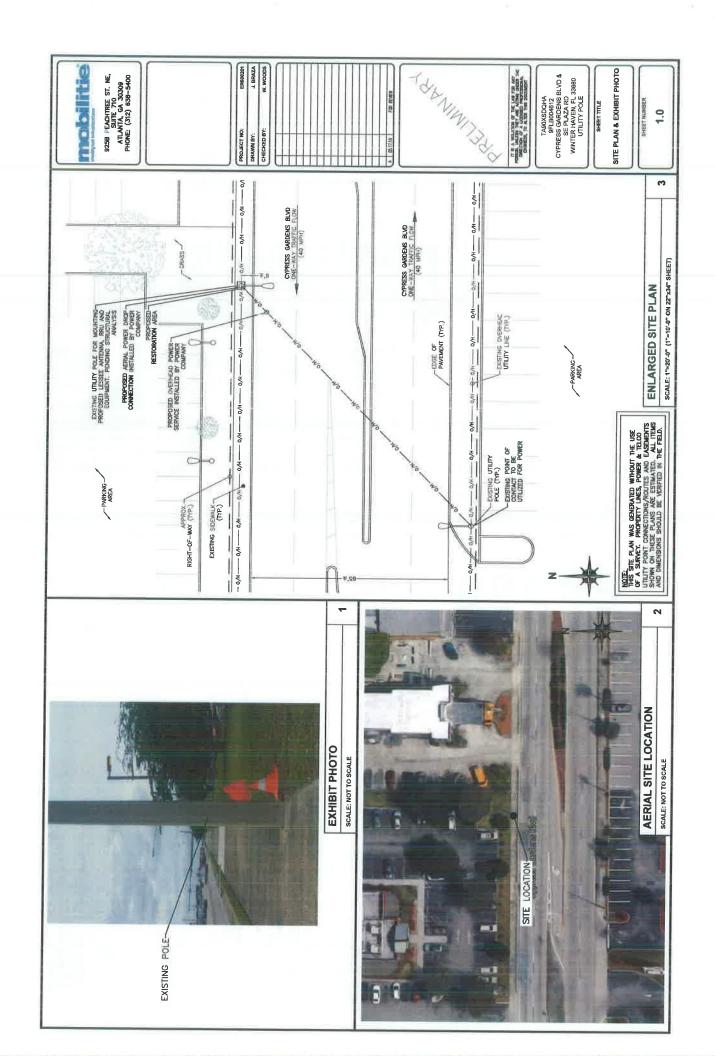
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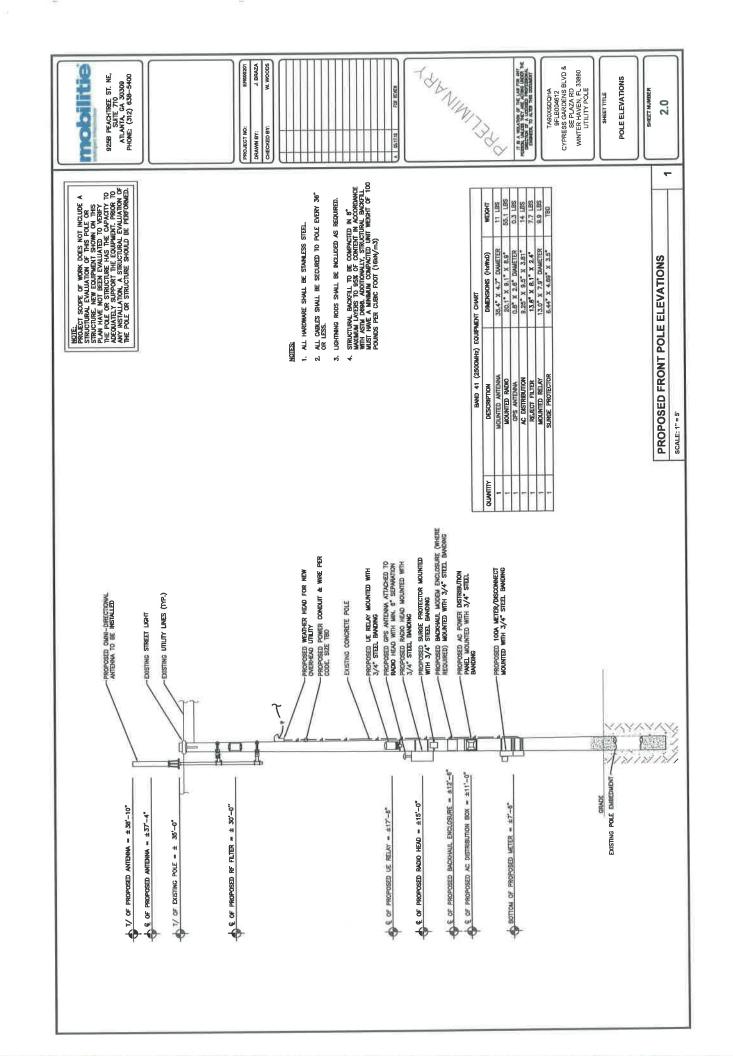
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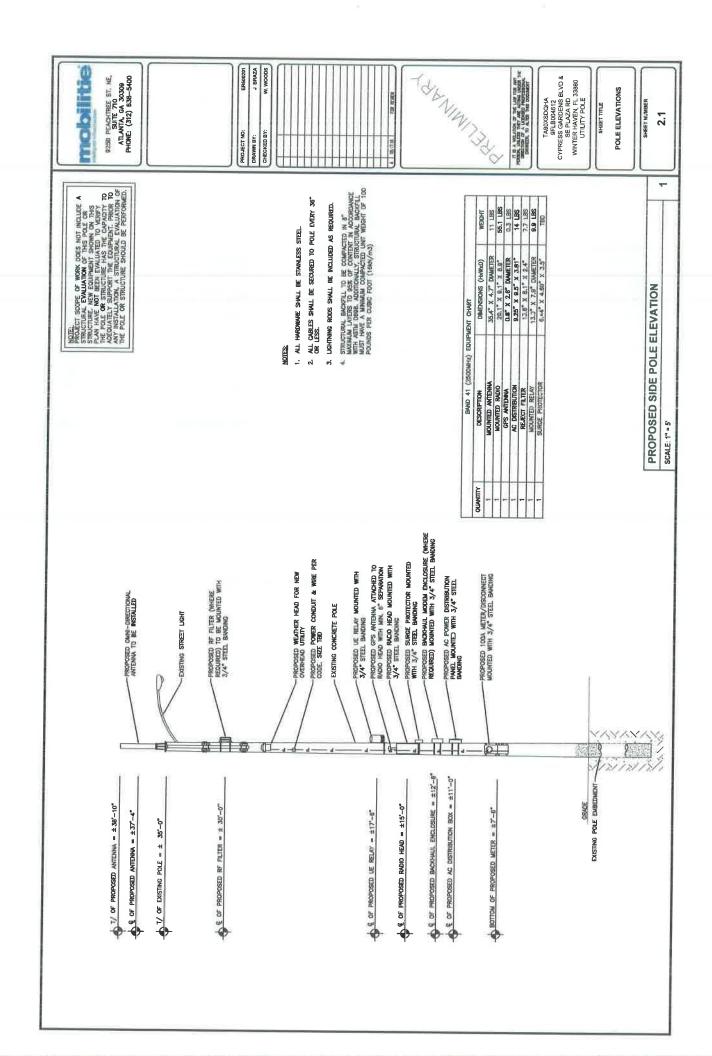


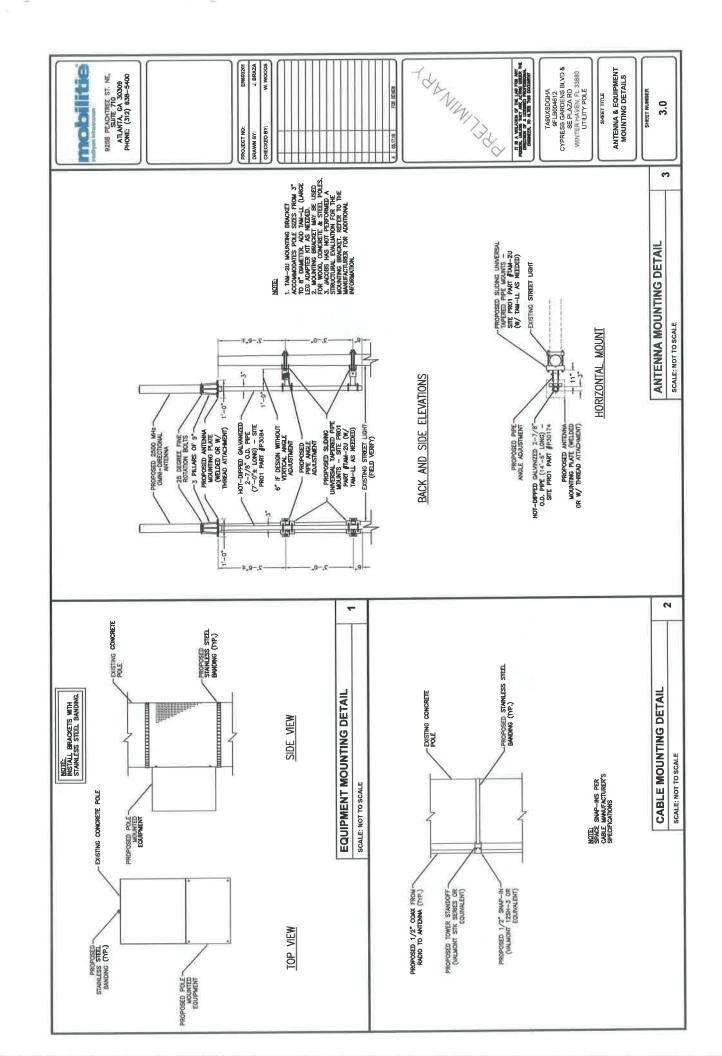
9255 PEACHTREE ST. NE. SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400

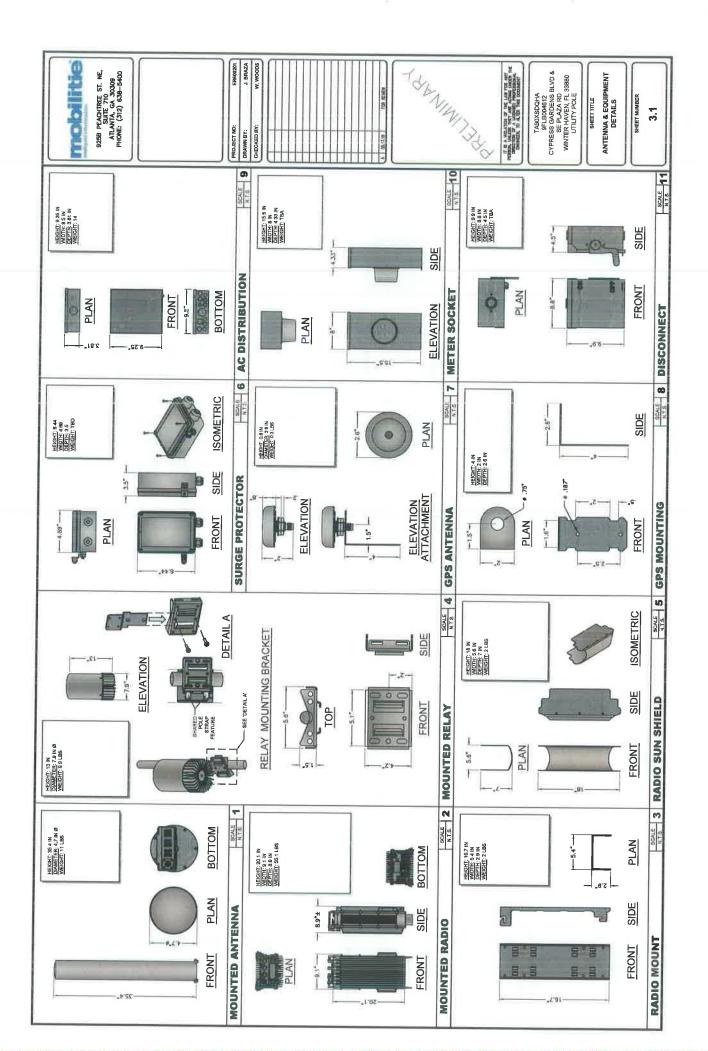
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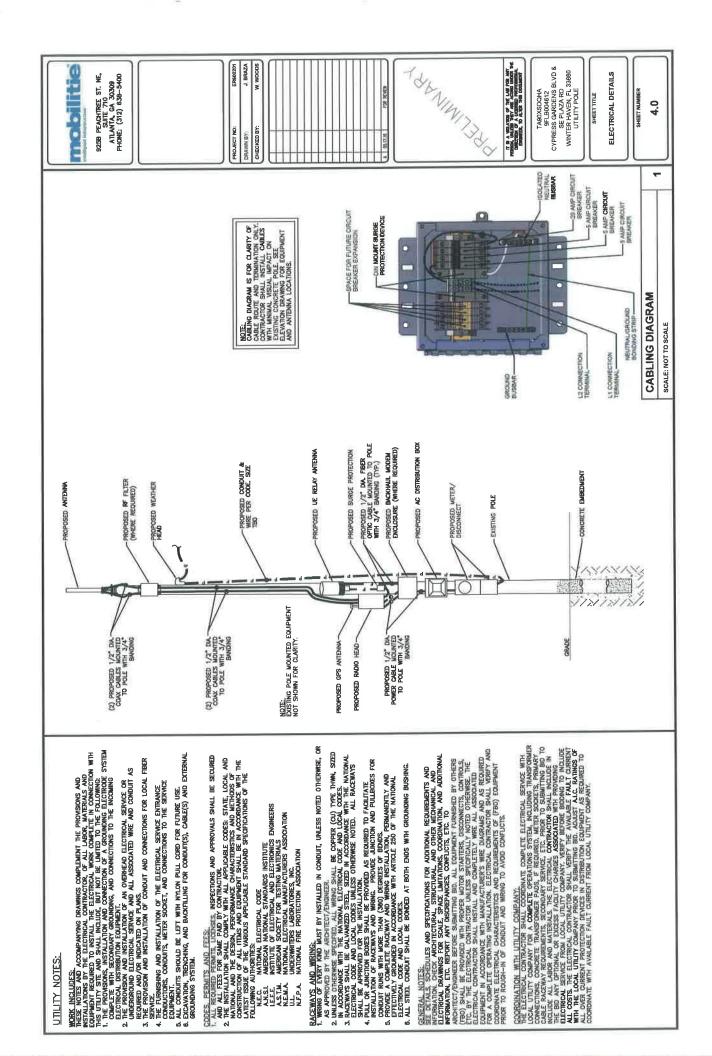


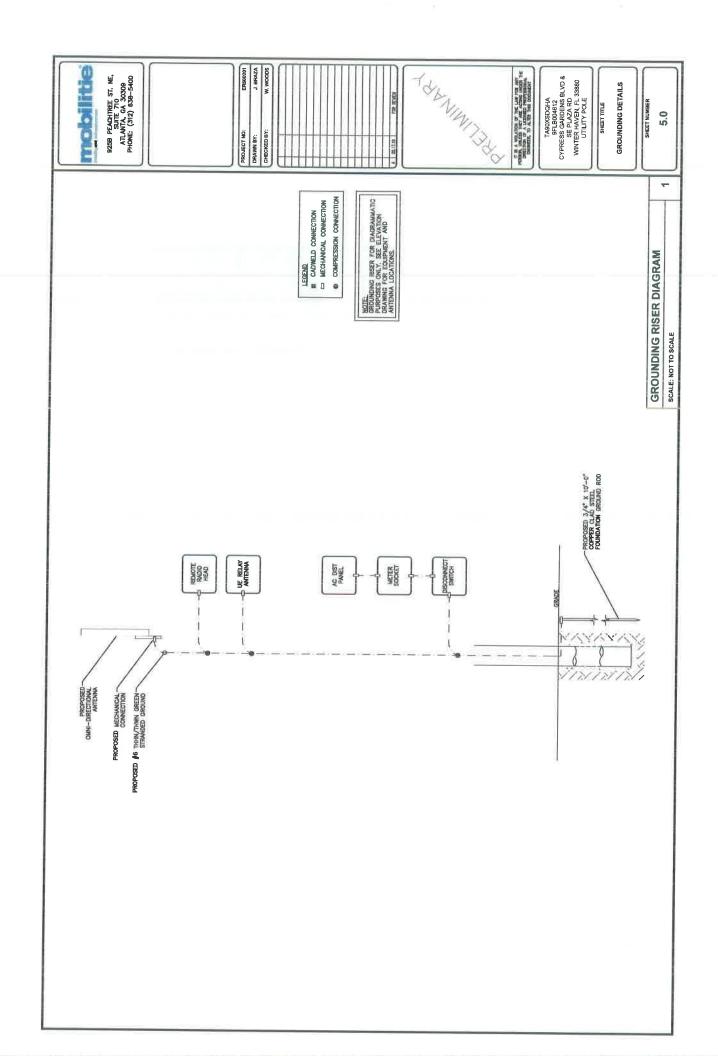












THE CONSTRUCTION DOCUMENT DRAWINGS ARE INTERELATED, WHIS PERFORMING THE WORK, EACH CONTRACTOR, MIGST RESPONSIBILITY OF THE GRAEBLE CONTRACTOR.

# GENERAL REQUIREMENTS

#### PART 1 - GENERAL

- OBTAN AND SUBMIT RELEASES EMABLING THE ORNER UNRESTRICTED USE OF THE WORK AND AGCESS TO SEMPLISS. MAD INTLITIES, INCLUCE OCCUPANCY PENAITS, OPENATING CREATERS, SUBMIT RECORD OFWNINGS, DAMMER OR SETTLEMENT SURVEY, PROPERTY SURVEY, AND SIBLIAR PINA, RECORD INFORMATION, INCLUDING TOUCH—UP PARTITION, OUT OF THE STATE THAIL CLEAN IN RECORD INFORMATION, INCLUDING TOUCH—UP PARTITION, TOUCH UP AND OTHERWISE REPARK MO RESTORE MARKED ELFOSED PHISHES.

## PAST 2 - FINAL CLEANING

- 1. COMPLETE THE FOLLOWING CLEANING OPERATORS BETONE REQUESTING INSPECTION FOR CERTIFICATION ON COMPLETE TOW.

  A CLEAN THE PROJECT SITE, VARS AND BROUNDS IN AREAS DISTURBED BY CONSTRUCTION ACTUMES. INCLUDIO LANGEAGE DEFEIGHERT MARK.

  RESIDENCE, WASTE MATERIALS, LITTER AND FOREIGN SHEETANCES, SINESP PAMED PROBLEM UPSTALES, STANKS AND OTHER PARAMET FOREIGN DEPOSITS. WASTE GROUNDS, FERRO-CHARLEN, SANCHER FOREIGN WASTE, TOWN OF THE PROPRIED OF THE SITE OF THE SIT
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#### SITE WORK

## PART 1 - GENERAL

- WORK INCLUED: SEE SITE PLAN.
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  FOR USE AND ADDRESS. - 4
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  - (IF REQUIRED) WITHIN THE PLACE AND MAINT IF INCLUDED WITHIN THE CONTROL, AS RECOMMENDED BY NURSERY INDUSTRY STANDARDS. ರ

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- 5. SUBMITIALS

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  B. AFTER CONSTRUCTION.

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  2. MANUFACTURERY'S DESCRIPTION OF PRODUCT ON GRASS SEED AND

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  3. LANDSCAPING WARRANTY STATEMENT

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  CAURAWANTED FOR ONE YEAR FROM DATE OF THAT NEEDED.

#### PART 2 - PRODUCTS

1. MATERALS A. SOIL STERUZER SHALL BE EPA-REGISTERED, PRE-EMERGENCE LIQUID:

PHASAR CORPORATION P.O. BOX 5123 DEARBORN, MI 48128	FRAMAR INDUSTRIAL PRODUCTS 1435 MORRS AVE.	COUNTY, INC. CO.
TOTAL KILL PRODUCT 910 EPA 10292-7 (313) 563-8000	AMBUSH HERBICIDE EPA REGISTERED	(800) 526-4824

- B. ROAD AND SITE MATERIALS SHALL CANNEAUL OS STATE AND LOCAL, DOT SECONDARIAN STATE LIMITED, (UNLESS OTHERWISE MATER) ACCEPTABLE SECONTLY SHALL BE THE MACCORDERS WITH STATE DEPARTMENT OF HIGHWAY DEPARTMENT OF HIGHWAY SECONDARIAN STATE DEPARTMENT OF HIGHWAY SECONDARIAN STATE DEPARTMENT OF HIGHWAY SOUR.

## PART 3 - EXECUTION

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## mobilitie

9258 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE: (312) 838-5400

NO: ER600201	IY: J. BRAZA	BY: W. WOODS							
PROJECT NO:	DRAWN BY:	CHECKED BY:			Ш				
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9FLB004612
CYPRESS GARDENS BLVD & SE PLAZA R 33880
WINTER HAVEN, FL 33880
UTILITY POLE TA90XSDQHA

GENERAL NOTES

SHEET NUMBER GN-1

## ELECTRICAL

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262 MCM DLO 262 MCM DLO 71/0 DLO	2/0 THIN 2 THEN 6 DLO
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WHEN THE DIRECTION OF THE CONDUCTOR MUST CHANGE, IT SHALL BE DONE OF GRADUALLY, THE CURNATURE OF THE TURN SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING CHARTS. 4

MINIMUM BENDING RADIUS TO INSIDE EDGE	6 MOHES 8 INCHES 12 INCHES 24 INCHES
GROUNDING CONDUCTOR SIZE	NO. 6 AWG TO NO. 4 AWG NO. 2 AWG TO NO 1/0 AWG NO. 2/0 AWG TO 4/0 AWG 250 MCM TO 750 MCM

GROJADINO RESISTANCE TEST REPORT. UPON COMPLETION OF THE TESTING FOR EACH STEE, A TEST REPORT SHOWING RESISTANCE, IN OHER MIST BE SUBMITTED, TWO (2) SEC ITEST DOCUMENTS FROM THE INDEPENDENT TESTING SERVICE. ARE TO BE BOUND AND SUBMITTED WITHIN ONE (1) WEEK OF WORK COMPLETION.

# (SINGLE MAST AND SELF SUPPORTING TOWERS)

- 1. CENERAL

  A. LIGHTHAG ROD AND EXTENSION PPE INCLIDING ALL APPURITEMANDES, TO BE TURNISHED BY OWNER, # PREDUIED.

  B. GROUNDING, GROUND METAL POLES WITH A MAINLAIM OF \$\elline{x} \text{2} Z AND THREED SOLID BARE COPPER COMPUTIONS CHARLED TO TONER BASE PLATE.

# TELECOMMUNICATIONS WIRING COMPONENTS (COAXIAL ANTENNA CABLE)

- A LI MITEMALS, PRODUCITS OR PROCEDURES INCORPORATED INTO WORK SMALL BE HAVE AND OF STANDING COLUMENTAL, QUANTICAL ALL WITEMALS, POPRODUCITS SPECIFIED IN THE COMMENT COLUMENTS. SHALL BE SUPPLIED BY THE COMMENCIOR UNLESS MOTED OTHERWISE. GENERAL
  - MATERIALS: A CONXIAL CABLE:
- \*\*A CAMMA, CABLE.

  \*\*A CAMBE.

  \*\*THE COUNTY, CHEE AND TERMINATIONS BETHER'S ANTERMAN, AND EQUIPMENT PER MANACHTINER'S RECOMMENDATIONS WITH COMMAN, CABLES SUPPORTED AT NO MORE THAN 3"-OF TOTAL CANAN, CABLE THE ATTENNA AND EQUIPMENT PER MANACHTINER'S REQUIREMENT. TERMINATE ALL COCAMM, CABLE THEN THE ATTENNA AND COMMAN, CABLE RECOMBINES STATES OF EQUIPMENT AND COMMAN, CABLE RECOMBINES STATES OF EQUIPMENT AND COMMAN, CABLE RECOMBINES STATES OF EQUIPMENT AND COMMAN, CABLE RECOMBINES STATES OF EXCENS OF EQUIPMENT AND COMMAN, CABLE RECOMBINES STATES OF EXCENS OF EQUIPMENT OF STATES OF THE COMMAN CABLE (NOT WITHIN BEACE).

  \*\*A ALL CAMMA, CABLE RECOMBING OF THE COMMAN MARCHER OF THE COMMAN CABLE (NOT WITHIN BEACE).

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  \*\*A ALL CAMMA, CABLE (NOT THE COMMAN MARCHER).

  \*\*A CAMMA (NEED THE COMMAN MARCHER).

  \*\*A BROADER OF PRECOMMAN MARCHER, CAMMA (NEED TEST AND MARCHER).

  \*\*A ALL CAMMA (NEED THE COMMAN MARCHER).

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  \*\*A ALL CAMMA (

## The Balletine

9258 PEACHTREE ST. NE. SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400

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PROJECT NO:

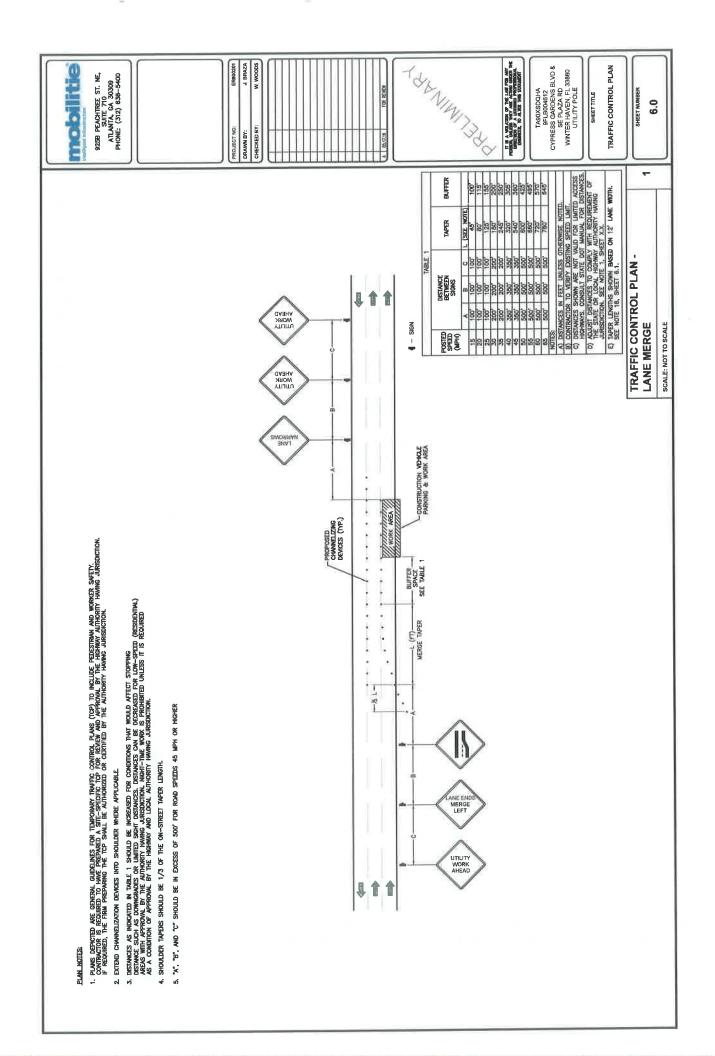
PRESENTATION OF THE LAW FOR ANY PRESENTATION OF A LOCATION PROCESSION DRIFTING OF A LOCATION PROCESSION.

TA90XSDQHA 9FLB004612 CYPRESS GARDENS BLVD & SE PLAZA RD WINTER HAVEN, FL 33880 UTILITY POLE

GENERAL NOTES

SHEET NUMBER

**GN-2** 

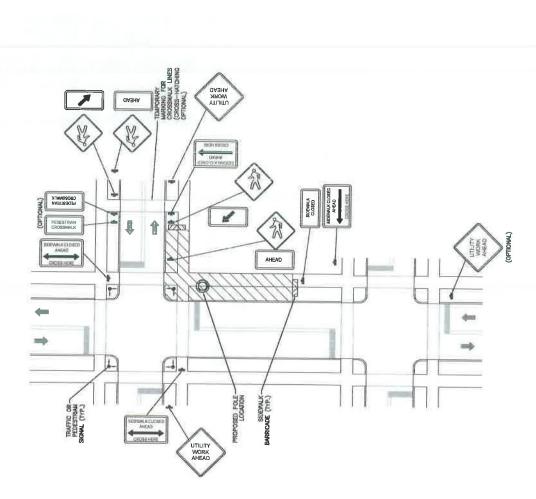


## TRAFFIC CONTROL GENERAL NOTES

- AL TELECORINY TRAFFIC CONTROL SCIANCE, LAYOUTS
  NO PROCEDUZES SALL CHIENTY WITH LICEN
  JURISDIUTINAL, TECUNIELISTIS AND MANUL, OF UNECENT TRAFFIC
  CONTROL DENCES (MATCO), LATEST EDITION, WHICHEVER IS MORE STRINGENT.
  - PRIOR TO ANY ROAD CONSTRUCTION, TRAFFIC CONTROL SIGNS AND DENOES SHALL BE IN PLACE.
- TRAFFIC CONTROL DENCES FOR LANE CLOSHRES INCLUDING SIGNS, CONES, DARROLDOES, TO, SMALL BE PLACED SIGNS ON PLANE SIGNS SHALL NOT BE PLACED WITHOUT ACTIVAL LANE CLOSHRES AND SHALL BE MANEDMILLY REMOVED UPON REMOVAL, OF THE CLOSHRES.

9258 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE. (312) 638-5400

- SILECTION, PLACEMENT, MANTENANCE, AND PROTECTION OF TRAFFIC, PLOCKERS SALL BY IN ACCORDANCE WITH THE MANUAL OF LINEAUS CHATCH, THE TRAFFIC CONTROL, AND LODE, LURSCHOOLD, TRAFFIC CONTROL, AND LODE, LURSCHOOLD, TRAFFIC CHATCH, THE TRAFFIC CHATCH ON THE TRAFFIC CHATCH OF THE TRAFFIC CHATCH OF THE TRAFFIC CHATCH OF THE APPROPRIATE HIGHWAY MATHORITY MANUAL LIKESCHOOLD.
- ADANCE WARNING SONS, DISTANCES, AND TAPER LENGTHS MAY BE DEFICIOLE TO MOSTORIA. SOFTILALE TO MOSTORIA AND YESTILAL CHRANTINE OF THE BOADWAY AND FOR ACTUAL. TRAFFIC SPEEDS IF IN EXCESS OF POSTED SPEED LIMITS.
  - TAPERS SHALL BE LOCATED TO MAXIMIZE THE VISIBILITY OF THEIR TOTAL LENGTH.
- CONFLICTING OR NON-OPERATING SIGNAL INDICATIONS ON THE EXISTING TRAFFIC SIGNAL SYSTEMS SHALL BE BAGGED OR COVERED. ۲.
- ALL ESTRING RADO SIGNIS, PANENENT MARGNES NAD/OR PLOWABLE PANENENT RESTERENCE THAT HE PROPESSED THAT CONTING. LEAST SHALL RESIONED OR RELOCATION. TRAFFIC CONTING. LEAST-CES SHALLE RESIONED OR RELOCATION. PRE-CONSTRUCTION OF MEDICAL PRE-CONSTRUCTION OF MEDICAL PRE-CONSTRUCTION OF WORK. ď
  - CONTRACTOR SHALL CONTACT LOCAL AUTHORITY HANNG HIGHMAY JURISDICTION AND PROVIDE ADDITIONAL "PLAGMEN" OR POLICE SUPERVISION, IF REQUIRED,
- TECHNICID MESS WITHIN OR ADJACENT TO THE ROADWINY SHALL BE BACKFILLED AND PACKED ON A MINIMAL BEHTY SLOPE PROR TO BLOG WINN CAN, OTHER ESCHANTED AREAS PROR AT ONE OF THE BESTORMED AREAS PRECISE CONFIDENCIALLY OR PRECISE CONFIDENCIAL OR PRECISE CHIEF BARBER CONSTRUCTION BARBER SET TRAPER, SHALL BY PLACE TO SHELD VEHICLIAR AND PEDESTRIBAN TRAPES. ₫
- WHERE DICTATED BY LOCAL CONDITIONS, THE CONTRACTOR SHALL MAKE PROVISIONS FOR MANTANING PEDESTRAM AND WORKER CROSSING, LOCATIONS IN ACCORDANCE WITH ALL APPLICABLE CODES AND SIGNIFICABILE. ÷
- CONSTRUCTION ZONE SPEED LIMIT IF YEDUCED FROM POSTED LIMITS SHALL BE IN ACCORDANCE WITH MUTCD AND WILL BE DETERMINED BY THE AUTHORITY HAVING JURISDICTION. 걸
- THERE SHALL BE NO WORKERS, EQUIPMENT, OR OTHER VEHICLES IN THE BUFFER SPACE OR THE ROLL AHEAD SPACE. ij
- DRIVEWAYS AND/OR SIDE STREETS ENTERING THE ROADMAY AFTER THE FIRST ADVANCE WARNING SIGN SHALL BE PROMIDED WITH AT LEAST DINE WIZO-1 SIGN (ROAD WORK AHEAD) AS A MINIMUM. ÷
- CONES MAY BE SUBSTITUTED FOR DRUMS AND INSTALLED UPON THE APPROVING. OF THE ALTHORITY HAVING UNRIDICTION PROVIDED THEY CAMPLY WITH MUTCO. 5 18.
- WHEN CHANNELIZATION DEVICES HAVE THE POTENTIAL OF LEADING VEHICLLAR PROFES SPACE, THE CHANNELIZATION VEHICL OF OF THE PERSON SPACE, THE CHANNELIZATION VEHICLS SHOULD BE CETENCED A DISTANCE IN FETT OF 2.0 THATE THE SPEED LIMIT IN AIPH BEYOND THE DOWNSTREAM END OF THE TRANSITION AGE, THE SHADNE STREND COHES, TUBULAR WARGERS, VERTICUL PANELS, DIRANS, VERTICUL PANELS, TOTALO, MAY BARRICONES IN STREND A DISTANCE IN FERF SCOUN, TOTALO, THESE THE STREND LIMIT IN MAY HIGH NEED FOR TWENT TOTALO, AND A DISTANCE IN FERF SCOUN, TO 2.0 TAKES THE SPEED LIMIT IN MAY HIGH STREND FOR TANGENT CHANNELLSTON. 17.
  - TAPER LENGTHS ARE CALCULATED AS FOLLOWS: L= NS'/60 (40 MPH AND HIGHER) OR L2= NS (DAER 40 MPH), WHERE W= DIFSET WIDTH (FT), S= TRAFFIC SPEED (MPH).



FOR REPER

CHECKED BY

TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

SCALE: NOT TO SCALE

TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

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9FLB004612
CYPRESS CARDENS BLVD &
SE PLAZA RO
WINTER HAVEN, FL 33880
UTILITY POLE

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Sheet 1 of 2

#### CITY OF WINTER HAVEN

Engineering Services Division 490 3rd Street N.W. 33881 Phone 863-291-5851

9FLB004614

#### **USE PERMIT**

Site Location: 28.012841-81.718489

Street Name 6th St	reet NE	45	Date _June 9, 2016
Located between Ave	enue I SE	Street and Avenue J S	SEStreet
Permission Granted to	Mobilitie, LLC		Phone number - 727-512-5599
For construction and mai	ntenance of End user prop	oses to install equipment on a new p	ole within an existing ROW.
	Scope of work: Inst	all a new pole with proposed backha	ul transport equipment.

This permit is subject to the following conditions:

- 1. The construction and maintenance of such utility shall not interfere with the property and the rights of a prior occupant.
- All work shall be done in keeping with standards established by the Engineering Services Director and under the supervision of Mike Foster, City Construction Inspector, Phone (863) 291-5850, Cell (863) 287-2727.
- 3. All material and equipment shall be subject to inspection by a representative of the Engineering Services Director.
- 4. Construction shall be performed in a safe manner and in accordance with the regulations of OSHA, USDA and other applicable agencies. The City shall be relieved of all responsibilities for damages of any nature arising from this permit. Subject to the above terms and conditions, the permittee shall take such safety measures, including placing and display of caution signs, as good practice dictates in conduct of construction and maintenance work herein described.
- 5. The permittee shall provide for safe pedestrian traffic throughout the construction time. Where existing sidewalks and other walkways exist prior to this work, they or safe alternate trafficable ways, shall be maintained.
- 6. All city property shall be restored to its original condition to the satisfaction of the Engineering Services Director and/ or his authorized representative.
- 7. The applicant shall indemnify, defend, and hold harmless the City from and against any and all claims, suits, actions, judgments, demands, taxes, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of the applicant, its officers, employees, agents, or representatives that may occur by reason of this construction.
- 8. The attached sketch covering details of this construction shall be made a part of this permit.
- 9. The applicant, at a minimum, shall obtain insurance coverage for specific risks and in such amounts and with insurers as determined acceptable by the City. Any such insurance coverage(s) required by the City shall represent the minimum amount of coverage required. The applicant, at its sole cost, shall obtain insurance coverage(s) as follows:

a.	Workers' Compensation/Employer's Liability:	
	<ul> <li>For each accident</li> </ul>	(\$5,000,000.00)
	<ul> <li>Disease – Policy Limit</li> </ul>	(\$5,000,000.00)
	<ul> <li>Disease – Each Employee</li> </ul>	(\$5,000,000.00)
b.	Commercial General Liability ("CGL"):	
	For each occurrence	(\$5,000,000.00)
	General Aggregate	(\$5,000,000.00)
	<ul> <li>Products/Completed Operations Aggregate</li> </ul>	(\$5,000,000.00)
	Personal and Advertising Injury	(\$5,000,000.00)

- c. Business Automobile Policy:
  - Each occurrence and bodily injury and property damage liability combined (\$5,000,000.00)
- 10. It is expressly stipulated that this permit is a license for permissive use only and that placing of facility upon public property pursuant to this permit shall not operate to create or to vest any property in the permittee or his client.

	said Transportation Facility/City Property or reset or relocate thereon as requested by the Engineering Services Director and at the expense of the Permittee.
11.	The permittee shall commence actual construction in good faith on <u>TBD</u> and shall complete the construction within <u>7</u> days. This permit shall be void if the work is not started within sixty (60) days from date of said permit.
12.	Applicant declares that prior to filling out the application he has ascertained the location of all existing utilities, both aerial and underground. Applicant also declares that all other utilities within the area were notified and that he is including a notification copy with this permit application. List the name of the Utility, Date, and the authorized Contact person from each Utility that were contacted:  Mobilitie, LLC will send all required utility notification letters, and proof of such notification, when Mobilitie's project to install utility poles within the City' rights-of-way has been spproved by the City.
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13,	Notify the Engineering Services Division (863) 291-5851 a minimum of 48 hours prior to the commencement of construction. A SUNSHINE ONE number must be provided at this time. Failure to provide proper notification may result in the stoppage of work. <b>Notify the Engineering Services Division the day construction actually commences.</b>
14.	If the applicant transfers or assigns its assets located within the City's right-of-way, the transferee or assignee shall be obligated to comply with the terms of this Use Permit and any and all applicable provisions of the WHC.
15,	Nothing herein is intended to waive the City's sovereign immunity or the limits of its liability under Section 768.28 of the Florida Statutes regardless of whether such claims are based on contract, statute, tort, strict liability, product liability, negligence or otherwise.
16.	The use of missiles is limited and must be approved by the Engineering Services Director prior to Construction.
Appr	oved by: Submitted by :
Date	Michael Nuckols
	(Applicant's name printed)
SUN	SHINE ONE#
City	of Winter Haven Engineering Services Division Permit #

Pursuant to section 337.403(1), Florida statutes, whenever necessary for the construction, repair, improvement maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said Transportation Facility/City Property as determined by the Engineering Services Director, any or all utilities and appurtenances authorized here under or any shall be immediately removed from

C:\Engineering\FORMS\USEPER UPDATE.DOC 11/21/2012

Note: Attach Applicable Plans as Required

SITE ID: 9FLB004614 TA90XSDQJA **AVENUE I SE** 6TH ST SE &

WINTER HAVEN, FL 33880

**TRANSPORT, LLC** 

FL NETWORK



- INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON A PROPOSED WOOD UTILITY POLE END USER PROPOSES TO INSTALL EQUIPMENT ON A PROPOSED WOOD UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE MILL CONSIST OF THE FOLLOWING: PROJECT DESCRIPTION

REGIONAL MAP

LOCATION MAPS

VICINITY MAP

SHEET NO:	SHEET TITLE
0.0	THE SHEET
1.0	SITE PLAN & EXHIBIT PHOTO
20	POLE ELEVATIONS
21	POLE ELEVATIONS
3.0	ANTENNA & EQUIPMENT MOUNTING DETAILS
3.1	ANTENNA & EQUIPMENT DETAILS
4.0	ELECTRICAL DETAILS
5.0	GROUNDING DETAILS
GN-1	GENERAL NOTES
GN-2	GENERAL NOTES
6.0	TRAFFIC CONTROL PLAN
6.1	TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

ARCHITECT/ENGINEER

JACOBS ENGINEERING GROUP, INC.
549 BELLS FERRY ROAD
ACMORTH, GA 30102
CONTACT: KARL KRATINA
FROLECT MANACER
TELE (573) 460-446
FAX: (770) 701-2501

IT IS A VICIATION OF THE UNB TOR ANY DESTROY, WASTES THAT ANY AND ADDRESS THE DISTRICTION OF A LOCALISM THE COCCURRENT DISTRICTION AND ANY THE COCCURRENT TA90XSDQJA 9FLB004614 6TH ST SE & AVENUE I SE WINTER HAVEN, FL 33860 UTILITY POLE DRAWING INDEX CODES 2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

-SITE

SITE

6th St SE

Avenue | SE

TITLE SHEET

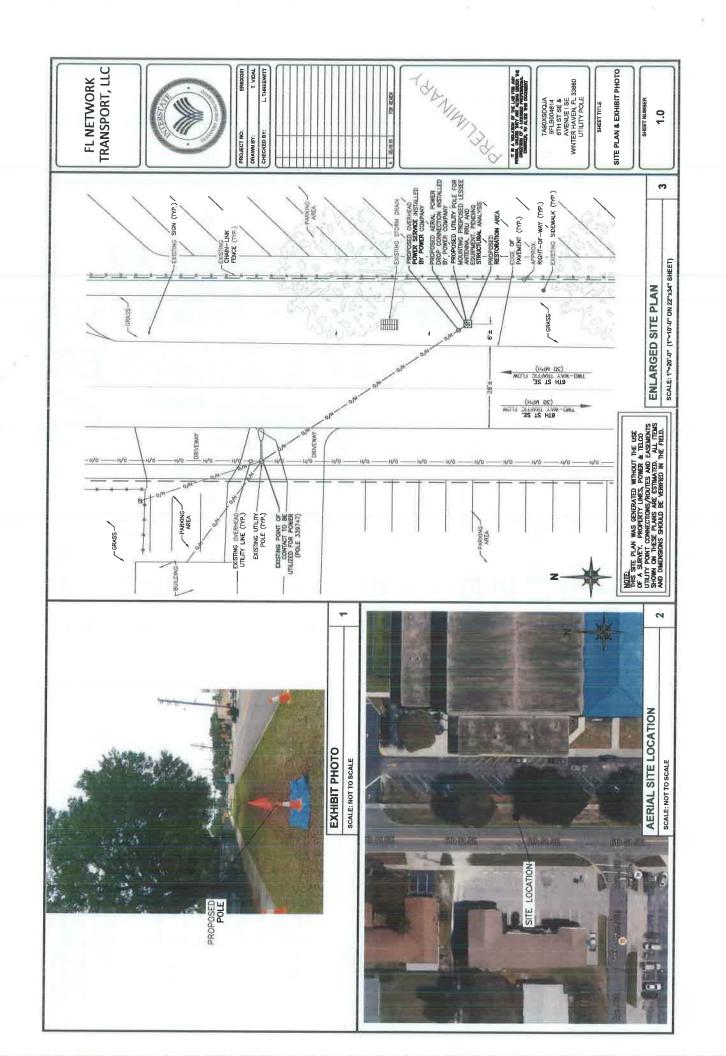
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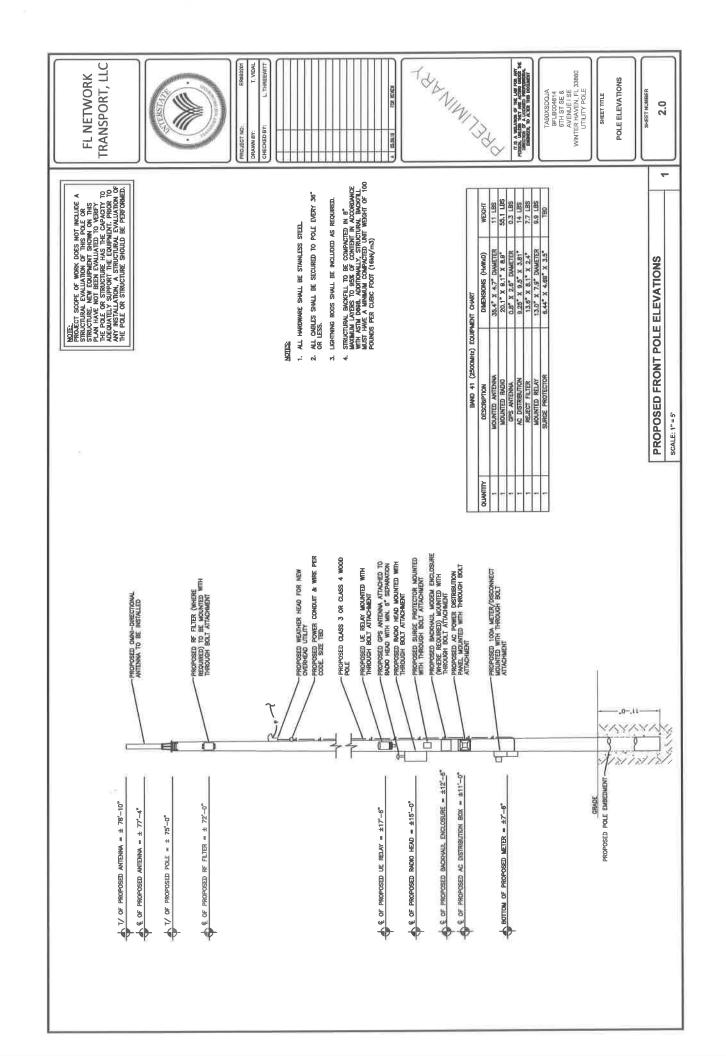
THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
A TECHNIGAN MILL YIST THE SITE A REQUIRED FOR ROUTINE MANTENANCE. THE PROJECT MILL NOT RESULT IN ANY SCANFICIANT DISTURBANCE OF EFFECT ON DRAINFAGE: NO SANTIARY SEWER SERVICE, POTABLE WATER OR TRASS IN DISPOSAL BERGURED AND NO COMMERCIAL SIGNAGE IS PROPOSED. 9258 PEACHTREE ST. NE, SUITE 710 ATLANTA, GA 30309 PHONE: (312) 638-5400 81\* 43\* 6.56\* W (-81.718489) 28° 0' 48.23" N (28.012841) FL NETWORK TRANSPORT, LLC STH ST SE & AVENUE I SE PUBLIC RICHT-OF-WAY CITY OF WINTER HAVEN SITE INFORMATION GENERAL NOTES POLK COUNTY ± 171' AMSL NAD 83 ADDRESS/CROSS ST: GROUND ELEVATION: PROPERTY OWNER: LAT/LONG TYPE: JURISDICTION: APPLICANT: APPLICANT ADDRESS: LONGITUDE: LATITUDE: COUNTY:

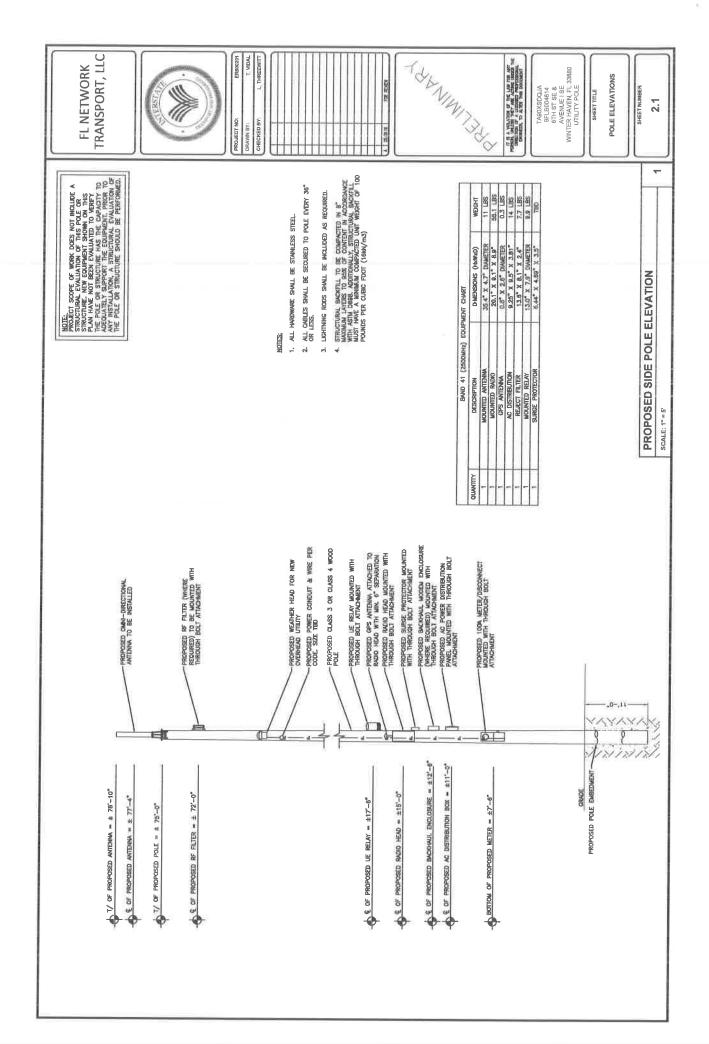
CONTRACTORS SHALL VERIFY ALL PLANS, ENSTING DIMENSIONS AS FILL OWDIDIONS ON THE USE STALL IMMEDIATELY MONTRY THE ARCHITECT/FUNGHEEN IN WARING OF ANY DISCREPANCES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

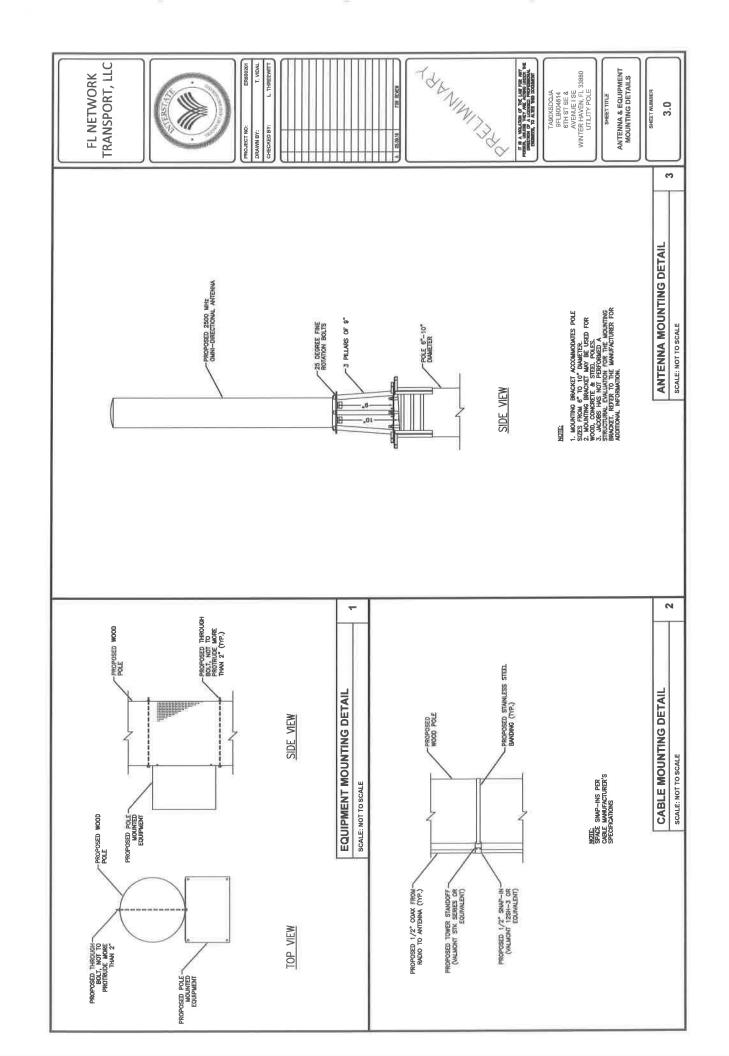
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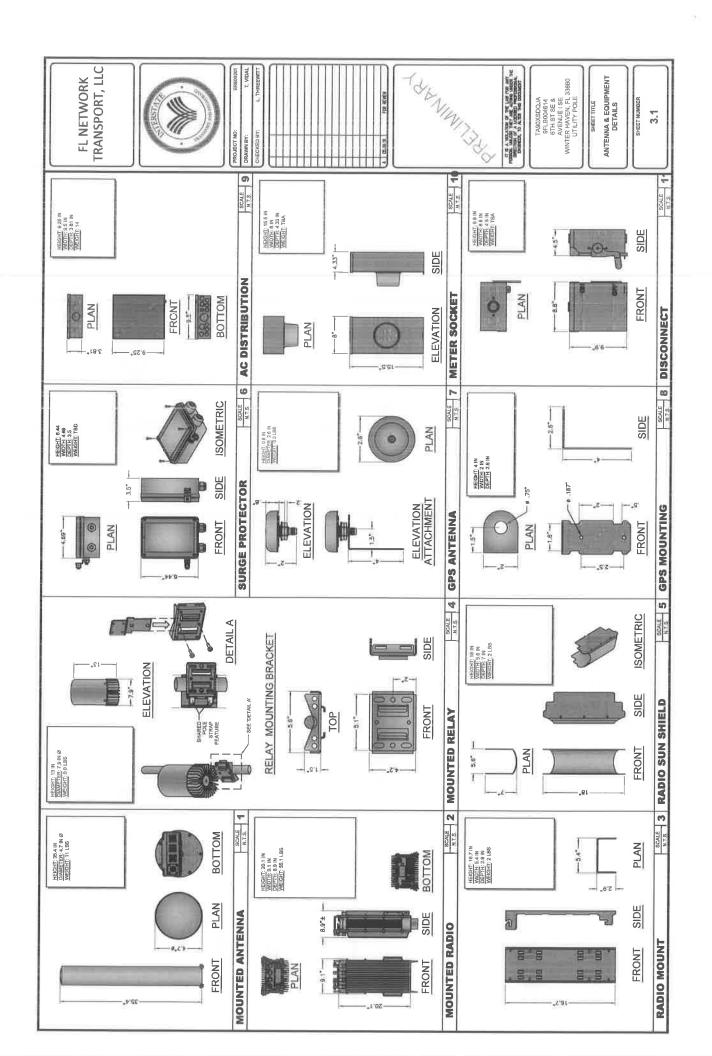


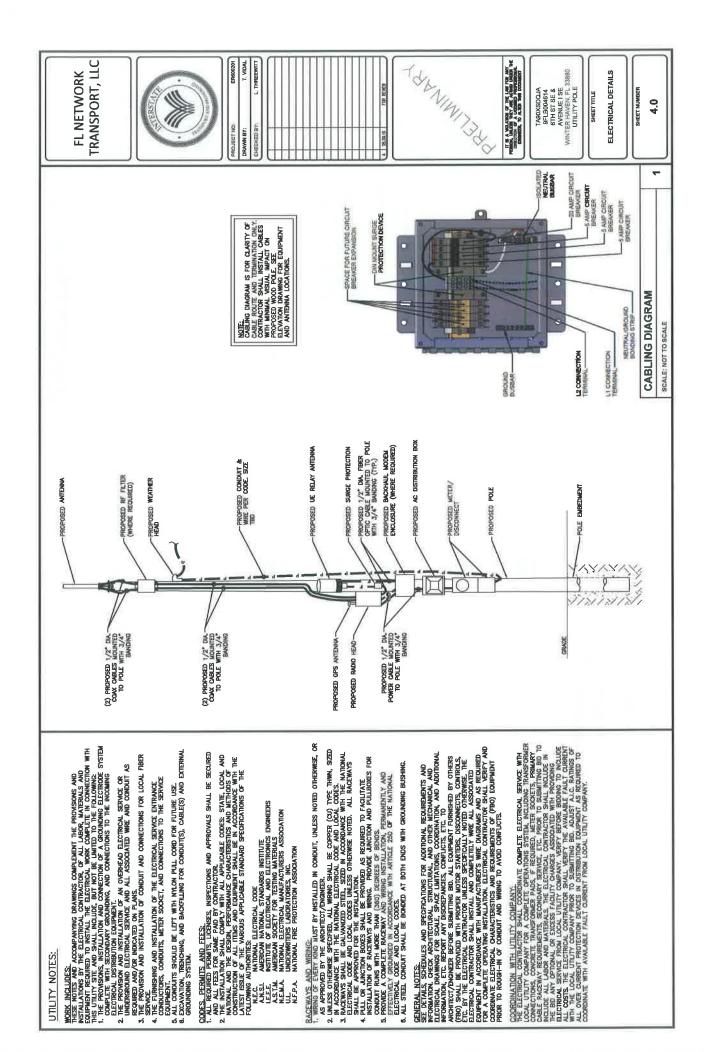


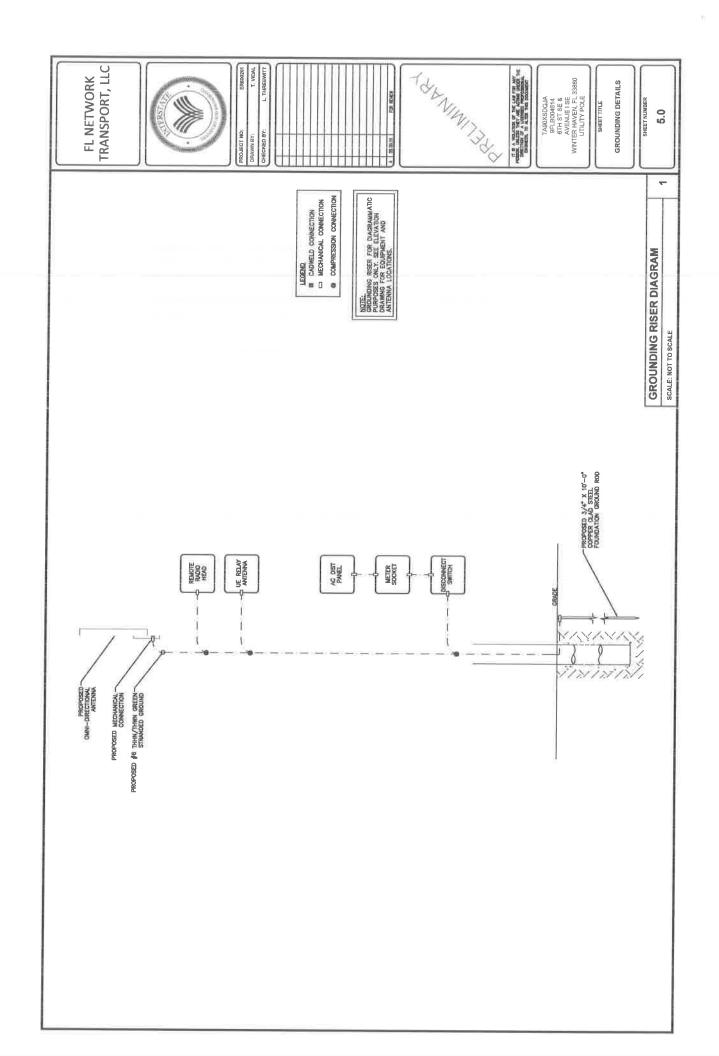












THE CONSTRUCTION DOCUMENT DRAWINGS ARE INTERRELATED, WHEN PERFORMING THE WORK, EGAT CONTRACTION MUST REPER TO ALL DRAWINGS, COORDINATION IS THE RESPONSIBILITY OF THE GENERAL CONTRACTION.

# GENERAL REQUIREMENTS

#### PART 1 - GENERAL

- OBTAN AND SUBMIT RELEASES EMBELING THE ORNER UNRESTRICTED USE OF THE WORK MA ACCESS TO SERVICES AND UNITIES; INCLUDE OSCUPANOY PERMITS, OPERATING CENTERCALTS AND SMALLAR RELEASES.
  SUBMIT RECORD DEVAMINGS, UNAMORE OR SETTEMBERT SURVEY, PROPERTY SURVEY, AND SMALLAR FIRM, RECORD INFORMATION.
  SMALLAR FIRM, RECORD INFORMATION.
  NO OFFICIENT FIRM, CLEAN UP RECORDERED TO THE MANDED TO THE PARTIES. TO USE UP THE MANDED TO THE MANDED TO THE PARTIES.
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## PART 2 - FINAL CLEANING

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- 1. COMPLETE THE FOLLOWING CLEANING DPERATIONS BEFORE REQUESTING INSPECTION FOR CRETIFICATION ON COMPLETE STILE. YARD AND GROUNDS IN AREAS DISTURBED BY CONSTRUCTION ACTUMES. MICHODING LANGEAGE ENDELOHIERT AREA, OF RUBBES, WOSTE MATTHES, MICHODING LANGEAGE ENDELOHIERT AREA, OF RUBBES, WOSTE MATTHES, LITTLER AND FOREIGH SUBSTILANCES. SMEAR PAND FOREIGH DEPOSITS. DATE GROUNDS, FINANCES, SUBSTILANCES, SIMERAL, LITTLER AND FOREIGH SUBSTILANCES. SWEAR AND OTHER FAMILY OF THE STILE. CONSTITUCTION EQUIPMENT, MACHINETY AND SUBSTILA.

  C. REMOVE SKIWM AND CE TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT FIRE CHANNEL WISHERS FINANCES. PRESTANCES. AND DISTURBING WINTOOL WINTOOL WINTOOL WINTOOL WINTOOL STANKES. FINANCES LESTANCES. AND DISTURBING WINTOOL WINTOOL WINTOOL WINTOOL WINTOOL WINTOOL STANKES. FINANCES SAFES, INCLUDING HANDHOLES, FRANCE, LEBELS THAT ARE NOT FREMAENT LIBELS.

  F. LEGITICALING MECHANISHES AND SIBERADES. THAT CANNOT BE STANKED.

  H. LEAR FRANCES CLEAN AND FRESTORE WARRED EXPORAGE NATIONAL CONTRACTOR OF RESTORMED.

  SATISFACTION TO PRODUCE THE STEAMON OF COLUMNAT.

  H. LEAR FRANCES CLEAN AND FRESTORME MACHINES CHACKES NEED THE SEAMONDER OF THE CONTRACTORN TO PROTECT PRESTORM. PROGREMS PROCESSING TO RESEAUNCES WERE CONTRACTION TO PROTECT PRESTORM. PROGREMS PROCESSING THE RESEAUNCES WERE STEAMOND.

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## SITE WORK

## PART 1 - GENERAL

- -4

- A. APPLY SOIL STERILIZER IN ACCORDANCE WITH MANUFACTURER'S
  RECOMMENDIATION (A NEEDED).
  B. APPLY AND MANUFAN GAVES SEED AS RECOMMENDED BY THE SEED PRODUCER
  (IF RECOLURED).
  C. PLACE AND MANUFAN VEGETATION LANDSCAPING, IF INCLUDED WITHIN THE
  SEQUENCIAL AS RECOMMENDED BY MURSERY INDUSTRY STANDARDS.
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# WORK INCLUED: SEE SITE PLAN. DESCRIPTIONER. IL JACES, AREA, AND UNDERGROUND UTILITY EXECUENTS ARE TRES CHRISTINGTOOD. TO PROMIEE, A WELL DRAINED, EASILY MANTANED, EVEN SURFACE. FOR USE, MAN DACESS. THE CHRISTINGTOOD.

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- OUNTING STREET STAKES AND SET ELEMBON STAKES PROR TO ANY CONSTRUCTION.
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  BY CONSTRUCTION WAVECR AND LOCAL AUTHORITIES.
  BY CONSTRUCTION WAVECR AND LOCAL AUTHORITIES.
  APPLY SOIL. STEIN, JETHLZER PROR TO PACAING BACK MATERIALS.
  GRADE, SEED, FERTILEZ, AND MULTIP ALA AREA STRINGED TO CONSTRUCTION (INCLUDING UNDERGROUND UTILITY EASEMENTS) MACENITY AFTER BRIGHNEY AFTER AREA TO BACK CONTRE LEIGHTON WITRY TO DISSUE GROWITH.

- 6. SUBMITIALS

  A. BEFORE CONSTRUCTION: IF LANDSCAPING IS APPLICABLE TO THE CONTRACT,

  A. REFORE CONSTRUCTION: IF LANDSCAPE PLAN ON INVISERY ETTERHED. IF A

  LANDSCAPE LAUGHONNEE WIS MICHOLOGIN IN THE CONTRACT,

  LEGING OF PROPOSED COSTS ON NURSERY LETTERHED.

  B. AFTER CONSTRUCTION.

  B. AFTER CONSTRUCTION.

  TO STATE OF THE CONTRACTION.

  TO STATE OF THE CONTRACTION.
  - WHIPATURER'S DESCRIPTION OF PRODUCT AND WARRANTY STATEMENT ON SOIL STERILIZER. ANUFACTURER'S DESCRIPTION OF PRODUCT ON GRASS SEED AND
    - 3. LANDSCAPING WARRANTY STATEMENT
- M. M. ADDITION TO THE WRENATY ON ALL CONSTRUCTION CONFIGURED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BETANK ALL DAMAGE AND RESTORE AREA AS CLOSE TO CHRONAL CONDITION AS POSSIBLE AT SITE AND BISINEQUARMINES.

  B. SOIL STRUCTION APPLICATION TO CAURANITE VEGETATION FREE AREAS FOR CONFINE PARE FROM NATE OF FIRM INSPECTION.

  C. DISTURBED AREA WILL REPLECT RECOMMENT OF NEW GAASS CAYER PROR TO FINAL LANDSCAPANK, IF INCLUDED WITHIN THE SODE OF THE CONTRACT, WILL BE CAURANTED FOR ONE YEAR FROM DATE OF FINAL NESPECTION.

## PART 2 - PRODUCTS

## A SOIL STERILIZER SHALL BE EPA-REGISTERED, PRE-EMERGENCE LIQUID: 1. MATERALS

PHASAR CORPORATION P.O. BOX 5123 DEARBORN, MI 48128	FRAMAR INDUSTRAL PRODUCTS 1435 MORRIS AVE.	UNION, NJ UVOGS
TOTAL IQLL PRODUCT 910 EPA 10292—7 (313) 583—8000	AMBUSH HERBICIDE EPA REGISTERED	(800) 528-4924

- B. ROAD AND SITE MATERIALS SHALL CONFORM TO STATE AND LOCAL DOT SPECIFICATION FOR LAMED (MILES OF MERRIES MOTIZE) ACCEPTIBLE SELECT FILL SHALL BE IN ACCORDANCE WITH STATE DEPARTMENT OF HIGHWAY OF MOST SPECIFICATIONS. DEPARTMENT OF HIGHWAY OF SOIL STABLIZER PARING SHALL BE MINDER 5000,

#### PART 3 - EXECUTION

- 1. INSPECTIONES, LOCAL BUILDING INSPECTIORS SHALL BE NOTIFIED NO LESS THAN 48 HOURS IN JAMANICS OF CONCRETE POURS, UNLESS OTHERWISE SPECHED BY JURISDICTION 2. PREPARATION
- 3. INSTALLATION A. CL

- S. NETALATION

  S. NETALALATION

  THE LUINTS OF PROJECT RACK JULESS AUTHORIZED BY FROJECT WAWAER AND AREA LULESS OF SECULOS APPLYS SED TO GROW TO A TOWN TO STOWN TO ALL OTHER DESTURBED AREAS, DISTANCES AND STANDARD AND STANDARD AND STANDARD AND STANDARD AND STANDARD AND AREAS.

  D. APPLY SEDS TO REFOLUCE BY SEADED TO EVEN THE SURFACE, AND LOOSEN THE SON AREAS OF THE SON AREAS.

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GENERAL NOTES

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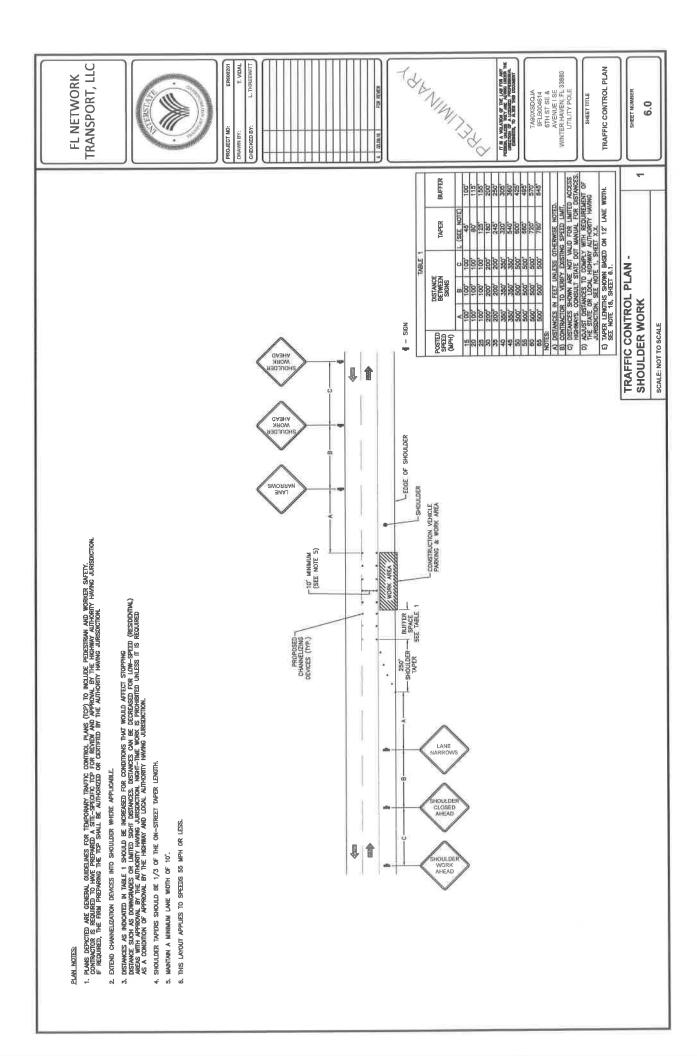
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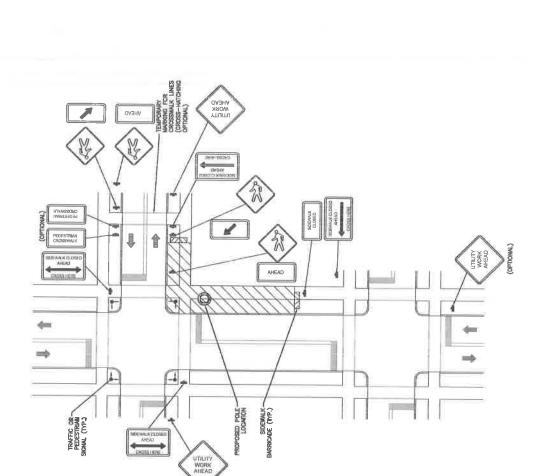
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GENERAL NOTES

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#### FRANSPORT, LLC FL NETWORK



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9FLB004614 6TH ST SE & AVENUE I SE WINTER HAVEN FL 33880 UTILITY POLE

TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

6.1

TYPICAL PEDESTRIAN / WORKER SAFETY PLAN

SCALE: NOT TO SCALE



October 6, 2016

Michael Nuckols- Via Certified US Mail Mobilitie, LLC 3475 Piedmont Road, NE Suite 1000 Atlanta, GA 30305

RE: Right-of-way use permits

Dear Mr. Nuckols:

On June 9, 2016, six Right-of-way Use Permits were submitted to the City of Winter Haven's Engineering Services Division for the installation of poles upon which communication infrastructure will be attached. The applications and corresponding locations covered by this letter include:

- Application 9FLB004612- Presumably an existing 35-foot pole with a new antenna to be located at 28.004107°N and 81.716575°W (generally in front of 699 Cypress Gardens Blvd). This will need to be clarified however as noted below.
- 2. Application 9FLB004614- A new 75-foot pole and antenna to be located at 28.012841°N and 81.718489°W (generally in front of Winter Haven High School on Sixth Street, SE).
- 3. Application 9FLB004615- Presumably an existing 35-foot pole with a new antenna to be located at 28.030257°N and 81.712672°W (generally located at the NW corner of Avenue H, NE and Tenth Street, NE near Polk State College). This will need to be clarified as noted below.
- 4. Application 9FLX002223- A new 120-foot pole and antenna to be located at 28.025009°N and 81.728178°W (generally located on Avenue C, NW, north of 199 Avenue B, NW).
- Application 9FLX002226- A new 120-foot pole and antenna to be located at 28.004937°N and 81.751479°W (generally located at the NE corner of Recker Highway and South Lake Ship Drive near Sertoma Park).
- 6. Application 9FLX002227- A new 120-foot pole and antenna to be located at 28.005889°N and 81.727988°W (generally located on Post Avenue, SW, north of 101 Cypress Gardens Blvd).

Upon receipt of the applications, staff conducted research on the proposed communication infrastructure as well as reviewed applicable sections of the Winter Haven Code of Ordinances. Upon completion of this review, staff concluded the following:

1. The proposed poles meet the definition of a communication tower contained in Chapter 21, Article IX, of the Winter Haven Code of Ordinances (WHC). A communication tower is defined as "any

structure that is designed and constructed primarily for the purpose of supporting one (1) or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, camouflaged towers, and any support structures thereto."

- 2. The proposed poles and related antennas are subject to the provisions of the City's Communication Tower and Communication Antenna Regulations contained in Chapter 21, Article III, Division 12 of the Winter Haven Code of Ordinances (WHC).
- 3. As the proposed poles are classified as communication towers, per Section 21-235, WHC, they are required to be sited in locations designated as Commercial, Industrial, or Institutional on the City's Future Land Use Map upon receiving Special Use Approval from the Winter Haven Planning Commission. As right-of-ways are not designated with Future Land Use designations, the Future Land Use of the adjoining parcel was used to determine compliance with this Section. Special Use Approvals have not been obtained for the submitted applications. Furthermore, the proposed pole contained in application 9FLX002226 is proposed to be adjacent to property designated as Recreation on the City's 2025 Future Land Use Map, and is not eligible for Special Use Approval.
- 4. Proposed antennas contained in applications 9FLB004612 and 9FLB004615 are presumed to be installed on existing utility poles. If that is the case they are considered a co-location onto an existing use. Please clarify the foregoing as there is some internal inconsistency/ambiguity in the applications submitted. Co-location onto an existing structure does not require Special Use Approval from the Planning Commission; however, notwithstanding the foregoing, the antenna proposed by application 9FLB004612 is located within a right-of-way owned and maintained by the Florida Department of Transportation (FDOT). You will need to receive approval from FDOT to install any proposed antenna within the FDOT right-of-way.
- 5. The proposed pole contained in application 9FLX002223 does not appear to meet the minimum 1,500-foot separation from an existing communication tower located near the intersection of Third Street, NW and Avenue B, NW as required by Section 21-235 (e) (2), Table 3.7, WHC.
- 6. In addition to Planning Commission approval, design standards and siting requirements contained in Sections 21-235(d), 21-235 (e), 21-235(f), and 21-235(g), WHC are required to be met. A review of each of the proposed sites found insufficient space to meet these requirements.

In summary, as stated in the above conclusions, four of the submitted applications referenced above, fail to comply with one or more of the requirements contained Section 21-235 of the Winter Haven Code of Ordinances and are denied. These applications are 9FLB004614, 9FLX002223, 9FLX002226, and 9FLX002227. Permit application 9FLB004612 cannot be approved by the City as we lack jurisdiction for this approval. Please contact FDOT regarding approval of this location.

Permit application 9FLB004615 falls under the City's jurisdiction and has been reviewed by the City's Engineering Services Division which offers the following comments:

- 1. We will need a copy of TECO's approval of the proposed antenna installation on their light pole(s).
- 2. We will need TECO's approval of the "structural evaluation" to determine if the subject pole has capacity to adequately support the equipment. See the note on sheet 2 of the plans.

- 3. Remove the "Preliminary" stamp on all the plans.
- 4. Plan sheets 6.0 and 6.1 needs to reference FDOT Index 600 series.
- 5. Applicant shall provide proof of insurance as noted in item #9 of the permit application.
- 6. Please clarify if the proposed antenna will be mounted to an existing utility pole as indicated on Sheet Number 2.0 dated May 16, 2016, or on a new pole as indicated on the City of Winter Haven Use Permit application dated June 9, 2016. If the antenna is to be mounted to a new pole, this location will not meet the criteria for a new communication tower as contained in Section 21-235, WHC.

Please provide the clarifications regarding the two (2) noted applications referenced above.

Thank you and I look forward to hearing from you.

Sincerely,

Sean H. Byers, AICP Senior Planner

cc: Cleveland Bain, Jr. NRE Permitting Manager (via e-mail -cbain@mobilitie.com)



JAN - 3 2017
by FJM, Jr.

3475 Piedmont Road NE Suite 1000 Atlanta, GA 30305

December 28, 2016

T. Michael Stavres Interim City Manager Winter Haven City Hall 451 Third Street NW Winter Haven, FL 33881

RE: Proposed Mobilitie Communication Services Provider Poles located in Public Right-of-Way

Dear Mr. Stavres:

Thank you for the time you and your staff have spent reviewing Mobilitie's proposed utility poles in Winter Haven, Florida (the "City"). Pursuant to correspondence and conversations between you and Cleveland Bain, Permitting Manager, the City requested a letter explaining Mobilitie's legal right to occupy the City's rights-of-way. Mobilitie requests that it be treated like any other communications service provider. Pursuant to federal and state law it seeks to locate its infrastructure equipment in the public right-of-way.

Mobilitie is an authorized competitive local exchange services provider ("CLEC") regulated by the Florida Public Service Commission ("FPSC").¹ In particular, Mobilitie operates as a "carrier's carrier" using a hybrid transport network, utilizing wireless signals and a small amount of fiber, used for the backhaul of phone calls and "mini macro" cellular site service. In order for its essential service network to operate, Mobilitie must install and maintain certain poles and equipment at specific locations at minimum heights.

As a FPSC regulated CLEC, Mobilitie is authorized under United States and Florida state law to install its proposed poles in the City's right-of-way. Applicable law authorizes "providers of communications services" to utilize the public rights-of-way for the "placement and maintenance of communications facilities." Mobilitie's authority derives directly from the Federal Telecommunications Act of 1996 ("1996 Act.") and the various enactments by the Florida Legislature to implement the 1996 Act. The purpose of these laws was to remove barriers to entry and provide the rapid development of telecommunications competition so as to make advanced technologies universally available at affordable prices for consumers. The various federal and Florida legislative enactments use varying terms for these providers, services and facilities, including telephone, telecommunications, communications or utility. Irrespective of the terminology used, the City's actions must be consistent with the fundamental policy goal set forth in the 1996 Act, "[n]o State or local statute or regulation, or other State and local legal requirement, may prohibit or have the effect of prohibiting the ability of the entity to provide any interstate or intrastate telecommunications service."

<sup>&</sup>lt;sup>1</sup> FPSC originally granted Mobilitie a certificate for as an "Alternative Access Vendor," Order No. PSC-06-953-PAA-TA (November 15, 2006). All AAV certificates were converted to CLEC certificates by operation of law when Chapter 364 was amended in 2011 to eliminate the AAV designation. Fla. Stat. §364.02, Chapter 2011-36, Laws of Florida, Sections 30 and 33.

<sup>&</sup>lt;sup>2</sup> Fla. Stat. § 337.401(3)(a).

<sup>&</sup>lt;sup>3</sup> Fla. Stat. § 337.401(1)(a).

<sup>&</sup>lt;sup>4</sup> 47 U.S.C. § 253(a).

Mobilitie acknowledges that Florida state law authorizes the City to regulate the placement and maintenance of utility facilities in its rights-of-way pursuant to its police power. Specifically, the City may "prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road ... any electric transmission, telephone, telegraph, or other communications services<sup>5</sup> lines; poles lines; poles ... or other structures referred to in this section as the 'utility,'" - subject to the limitations imposed by federal law. Concurrently, the Florida Legislature recognizes "the unique circumstances applicable to providers of communications services, including ... the circumstances described in paragraph (e)" and explicitly expressed that "it is the intent of the Legislature that ... counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way." The Florida Legislature even went so far as to acknowledge that "providers of communication services may provide similar services in a manner that requires the placement of facilities in municipal or county roads or rights-of-way."8. The 1996 Act defines "telecommunications carriers" broadly to include "any provider of telecommunications services," allowing no basis for discriminating among providers of functionally equivalent communications services, and terms such as telephone, telecommunications, or communication should be read interchangeably.

To the extent the City's ordinances prohibit the placement of wireless communication monopoles of any type in the public right-of-way while allowing traditional landline telephone poles, the 1996 Act preempts such ordinances as not competitively neutral and as discriminatory among providers of functionally equivalent services. Under federal law, Mobilitie's communication services poles cannot be prohibited as the City has done.

While the 1996 Act provides the broad public policy framework for open and fair telecommunications competition, state and local governments are tasked with the implementation of this mandate. Florida's compliance with the 1996 Act is reflected in part under Fla. Stat. Section 337.401.<sup>10</sup> In fact, nowhere in Section 337.401 did the Florida Legislature authorize the City to deny a "communication services provider" access to its rights-of-way. Mobilitie's facilities provide "communication services," the essence of its hybrid transport network. Indeed, earlier this year, the Florida Legislature further expanded the scope of access by adding the broad reference to "communication service lines" while clarifying who should bear the costs of utility relocation when it becomes necessary.<sup>11</sup>

The phrase "communications service lines" is a more technologically neutral term reflective of the different types of facilities – copper wire, coax cable, fiber optic cable and microwave radio – that can be used as a communications pathway between two points. This is borne out by the language in Section 337.401 that requires a local government's rules to be "generally applicable to *all providers* of communications services." This is based upon the Legislature's recognition of the "unique circumstances applicable to the

<sup>&</sup>lt;sup>5</sup> See Fla. Stat. § 337.401(1)(a) (ascribing Chapter 202's meaning for "communication services" to § 337.401); See Fla. Stat. § 202.11(1) (defining "communication services" as "the transmission, conveyance, or routing of voice, data, audio, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereinafter devised, regardless of protocol used for such transmission or conveyance".)

<sup>&</sup>lt;sup>6</sup> Fla. Stat. § 337.401(1)(a).

<sup>&</sup>lt;sup>7</sup> Fla. Stat. § 337.401(3)(a).

<sup>&</sup>lt;sup>8</sup> Fla. Stat. § 337.401(3)(e).

<sup>&</sup>lt;sup>9</sup> 47 U.S.C. § 153(51). See also 47 U.S.C. § 153(52)-(53).

<sup>&</sup>lt;sup>10</sup> BellSouth Telecommunications, Inc. v. Town of Palm Beach, 252 F. 3d 1169, 1177 (2001).

<sup>11 §2,</sup> Chapter 2016-44, Laws of Florida.

<sup>&</sup>lt;sup>12</sup> Fla. Stat. § 337.401(3)(a). (emphasis added).

providers of communication services," including the federal limitation on the scope of a local government's rules for the "placement and maintenance" of communications facilities in public rights-of-way and the requirement for nondiscriminatory treatment."<sup>13</sup>

Consistent with the 1996 Act, Section 337.401 requires local government rules that govern communication equipment in roads or rights-of-way meet certain criteria. The rules must relate to the "placement or maintenance" of the equipment, the rules must be reasonable and nondiscriminatory, and the rules may "include only those matters necessary to manage the roads or rights-of-way." This concept is further advanced by the legislative recognition that "[a]lthough similar communications services may be provided by different means, the state desires to treat providers of communications services in a nondiscriminatory manner." 15

The present version of Section 337.401 represents the most recent enactment of the Florida Legislature's understanding the state's obligations under the 1996 Act. Section 337.401 has been amended multiple times since the passage of the 1996 Act to keep up with the evolution in terminology and technology and to ensure the full and fair compliance with the intent of the 1996 act. For example, the 1997 version of Section 337.40 used the term "telephone company," which in 1998 became "Telecommunications Company" to more closely reflect the language of the 1996 Act as well as 1995 changes to the FPSC's statute to introduce local telecommunications services competition. In 2000, the Legislature substantially overhauled Section 337.401 to bring it explicitly into compliance with the 1996 Act:

Because federal and state law require the nondiscriminatory treatment of providers of telecommunication services and because of the desire to promote completion among providers of telecommunications services, it is the intent of the Legislature that municipalities and counties treat telecommunications companies in a nondiscriminatory and competitively neutral manner when imposing rules, or regulations governing the placement or maintenance of telecommunications facilities in the public roads or rights-of-way.<sup>18</sup>

In 2001, the Legislature made further refinements in the statute to reflect the "unique circumstances applicable to providers of communications services." Reading the evolution of language in context with the present version of Section 337.401, it is clear that the communications services provided by Mobilitie fall well within the scope of the 1996 Act and Section 337.40 and that Mobilitie is lawfully entitled to place its facilities in the City's rights-of-way. The transport monopoles involve microwave point to point facilities that carry telephone calls over spectrum authorized by the Federal Communications Commission ("FCC"). Failing to include Mobilitie's communications services is anti-competitive and unlawfully discriminates against federally authorized and state mandated public rights-of-way usage.

To ensure competitively neutral treatment, the City cannot base its denial on the type of communications service facilities installed, nor can the City establish criteria that only one type of service provider's equipment can meet. The City's sole placement requirements need to be reasonable and tied directly to

<sup>&</sup>lt;sup>13</sup> *Id*.

<sup>&</sup>lt;sup>14</sup> Fla. Stat. § 337.401(3)(b). (emphasis added).

<sup>&</sup>lt;sup>15</sup> Fla. Stat. § 337.401(3)(e).

<sup>&</sup>lt;sup>16</sup> Fla. Stat. § 337.401(3), 1997.

<sup>&</sup>lt;sup>17</sup> Fla. Stat. § 337.401(3), 1998.

<sup>&</sup>lt;sup>18</sup> Fla. Stat. § 337.401(3)(a), 2000.

<sup>&</sup>lt;sup>19</sup> Fla. Stat. § 337.401(3)(a), 2001.

management of the right-of-way. With the broad re-write of Section 337.401 in 2000, the Legislature began to provide some definition as to exactly what such local use regulations may encompass:

(3)(a) Because federal and state law require the nondiscriminatory treatment of providers of telecommunications services and because of the desire to promote competition among providers of telecommunications services, it is the intent of the Legislature that municipalities and counties treat telecommunications companies in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of telecommunications facilities in the public roads or rights-ofway. Rules or regulations imposed by a municipality or county relating to telecommunications companies placing or maintaining telecommunications facilities in its roads or rights-of-way must be generally applicable to all telecommunications companies and, notwithstanding any other law, may not require a telecommunications company to apply for or enter into an individual license, franchise, or other agreement with the municipality or county as a condition of placing or maintaining telecommunications facilities in its roads or rights-of-way. In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of telecommunications facilities in it is roads or rights-of-way under this subsection, a municipality or county may require a telecommunications company that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county and to provide the name of the registrant; the name, address, and telephone number of a contact person for the registrant; the number of the registrant's current certificate of authorization issued by the FPSC or the FCC, and proof of insurance or self-insuring status adequate to defend and cover claims.

(b) Each municipality and county retains the authority to regulate and manage municipal and county roads or rights-of-way in exercising its police power. Any rules or regulations adopted by a municipality or county which govern the occupation of its roads or rights-of-way by telecommunications companies must be related to placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county.<sup>20</sup>

The fact that a county or municipality "may" require an FPSC or FCC certificate or authorization recognizes that not all authorized telecommunications services providers who can use the public rights-of-way may possess a state or federal license. The recognition of such non-traditional communication services providers permitted to use rights-of-way was further expanded in 2007 to include "the number of the registrant's current certificate of authorization issue by the FPSC, the FCC or the Department of State." The amendment to add the Department of State was made because of another statutory amendment that authorized cable television companies to obtain a statewide franchise by registering with the Department of State. Many of these cable television companies were also providing voice communications services utilizing unregulated voice over internet protocol ("VOIP"), and since the law must be technology neutral, VOIP providers also needed to be brought within the scope of the statute.

<sup>&</sup>lt;sup>20</sup> Fla. Stat. § 337.401(3)(a)-(b). These provisions are reference herein as the three-prong test.

<sup>&</sup>lt;sup>21</sup> Fla. Stat. § 337.401(3)(a), (2007).

<sup>&</sup>lt;sup>22</sup> Fla. Stat. § 610.102 (2007).

Since 2000, the Legislature has tweaked the terminology, but the three-part test for how municipalities and counties may exercise their police powers to regulate and manage their roads and rights-of-way has remained. The current pertinent language on reasonable use regulations reads as follows:

Any rules or regulations adopted by a municipality or county which govern the occupation of its roads or rights-of-way by providers of communications services must be related to the placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county.<sup>23</sup>

The local governments that have authorized the use of their rights-of-way for all communications services providers pursuant to the 1996 Act have generally done so consistent with the three-part test. Thus, for example, the cities of Jacksonville and Sanford both have rules regulating the "placement and maintenance" of communication facilities within a public right-of-way and confirm each city's intent to be consistent with both the 1996 Act and Section 337.401.<sup>24</sup> Similarly, the cities of Orlando, Cape Coral, West Palm Beach, and Daytona Beach have rules authorizing communications providers to install communications facilities, including poles or towers, within their public rights-of-way subject to permitting and registration requirements.<sup>25</sup>

Section 337.401 is a complete and comprehensive authorization for Mobilitie's proposed communications services monopoles in the City's rights-of-way pursuant to federal law. While Section 337.401 is an important statute for Mobilitie's authority to use the City's rights-of-way, other statutory pronouncement further authorize or support Mobilitie's placement of its communications services poles in the City's rights-of-way.

Section 362, Florida Statutes, grants individuals and "telephone companies"<sup>26</sup> the authority to erect poles, posts and other fixtures for "telephone purposes" on or beside any public road in Florida, falling within the statutory definition of a public right-of-way.<sup>27</sup> The only caveat to this authority is that the equipment may not obstruct or interfere with the common use of the roadway.<sup>28</sup> The term "telephone purposes" as used in this section is broad and encompasses not only equipment used to provide traditional landline-based telecommunications service but also equipment used to provide wireless communications services.

While traditional landline telephone service dominated two-way communications for almost a century, wireless telephone service grew exponentially starting in the 1990s and wireless handsets now significantly

<sup>&</sup>lt;sup>23</sup> Fla. Stat. § 337.401(3)(b) (2016).

<sup>&</sup>lt;sup>24</sup> § 711.402, Jacksonville Code of Ordinances; § 30-32, Sanford Code of Ordinances.

<sup>&</sup>lt;sup>25</sup> § 58.849.5(a), Orlando Code of Ordinances; Chapter 25, Cape Coral Code of Ordinances; § 78.402, West Palm Beach Code of Ordinances; Chapter 10, Riviera Beach Code of Ordinances.

<sup>&</sup>lt;sup>26</sup> The statute refers to companies that are "chartered" by a state. In this context, the term "chartered" means incorporated. A company's charter is its organizing or establishment document, such as its articles of incorporation. To be "chartered" means to be established and recognized as an organization, such as a corporation. Chapter 611, Florida Statutes (1941), governing for-profit corporations, for example, included specific requirements for telephone company charters, including how such companies must hold and divide their stock and how they issue dividends. Section 623.05, Florida Statutes, provides that a charter provides evidence of a corporation's existence. See also, Black's Law Dictionary, defining the term "charter" to mean an act of a legislature creating a corporation. Fifth Edition (1979), p. 214.

<sup>&</sup>lt;sup>27</sup> Section 177.031(16) of the Florida Statutes defines "right-of-way" to mean "land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies."

<sup>&</sup>lt;sup>28</sup> The statute also requires that incorporated cities grant permission prior to installations within their jurisdictions, which is not relevant for purposes of this analysis.

now significantly outnumber landline access lines.<sup>29</sup> Recognizing that communication services are critically important to individuals and organizations alike, and that expansion of new and innovative services and infrastructure are necessary and in the public's best interests, the Legislature continues to support and encourage deployment of these new technologies consistent with principles of the 1996 Act.<sup>30</sup>

As an example, the Legislature has for many decades defined "telephone lines" quite broadly, and not in a literal sense, to include:

Conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes...to facilitate...telephonic communication.<sup>31</sup>

Toward the end of the twentieth century,<sup>32</sup> the popular nomenclature for two-way communications services became more expansive, evolving from "telephones" and "telephonic communication" to more generic, all-encompassing terms "telecommunications" or simply "communications." Legislative and regulatory references also began to change. The title to Chapter 364 had for many years referred to "telephone" companies, but in 1990, the Legislature changed it to "telecommunications" companies. As was discussed above, similar changes were made to Section 337.401 several years later. At the same time the Legislature changed the statutory reference to telecommunications companies, the Legislature further clarified that for purposes of the Florida Constitution, the term "telephone" includes "telecommunication." As another example, the Legislature earlier this year revised Section 125.42, which complements Sections 337.401 and 362.01, by authorizing cities and counties to grant licenses to individuals and to private companies to install and operate telephone lines and "other communication services," *including communication towers*, within any city or county right-of-way.<sup>37</sup>

In amending Section 125.42, to include "other communications services," the Legislature defined this term by reference to Section 202.11(1). Section 202.11(1), defines "Communications Services," as;

...the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance or routing

<sup>&</sup>lt;sup>29</sup> The Florida PSC now reports that there are approximately 3.3 million total wireline access lines in Florida as of the end of 2015 whereas there are an estimated 19.9 million wireless handsets in Florida with an additional 3.7 million cable Voice over Internet Protocol subscribers. Florida Public Service Commission, *Report on the Status of Competition in the Telecommunications Industry as of December 31, 2015*, at 1-2, 16-18, 21-25 (July 29, 2016). <sup>30</sup> Fla. Stat. § 364.01(3), (2011 and 2016).

<sup>31</sup> Fla. Stat. § 364.02 (1913); § 364.02 (1984).

<sup>&</sup>lt;sup>32</sup> In 1989, the Legislature required the Public Service Commission to evaluate the state's regulation of "telephone companies" and provide a detailed comprehensive report on the competitive change taking place within the "telecommunications industry." (Chapter 89-163, Laws of Florida).

<sup>&</sup>lt;sup>33</sup> Given the broad scope of the PSC's jurisdiction which includes traditional landline telephone service as well as wireless communication service, the Legislature eventually changed the title of Chapter 364 from "Telegraph and Telephone Companies" to Telecommunications Carriers," and changed "telephonic communications" to "telecommunications."

<sup>&</sup>lt;sup>34</sup> The Florida Public Service Commission clarifies in its rules that the terms "telecommunications company" and "telephone company" have the same meaning. Rule 26-4.003(6), Fla. Admin. Code (2016).

<sup>35</sup> Ch. 1990, Laws of Florida.

<sup>&</sup>lt;sup>36</sup> Fla. Stat. § 364.381 (1990).

<sup>&</sup>lt;sup>37</sup> Fla. Stat. § 125.42, (2016).

in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

(a) Information Services, (b) Installation or maintenance of wiring or equipment on a customer's premises. (c) The sale or rental of tangible personal property. (d) The sale of advertising, including, but not limited to, directory advertising. (e) Bad check charges. (f) Late payment charges. (g) Billing and collection services. (h) Internet access service, electronic mail service, electronic bulletin board service or similar online computer services.

This is a very broad definition that includes voice and other forms of information transmitted by any technology now available, including specifically radio and microwave, or hereafter devised.

Consistent with the statutory mandate for a broad interpretation of these statutes to track advances in technology, a Florida appellate court found that a telecommunications company was permitted to use a right-of-way in order to install buried fiber optic cable. The court found this was permitted use even though the fiber optic cable was not of the same type of overhead "wire" historically used by traditional telephone companies.<sup>38</sup>

The provisions of Section 362.01 must be read in conjunction with Section 125.42. The authority granted to companies and individuals<sup>39</sup> by Section 362.01 to place communications equipment in public rights-of-way explicitly recognizes that municipal and county governments may appropriately use their police power to ensure such equipment does not create a danger or make the roadway unsafe to use. Similarly, Section 125.42, grants municipalities the authority to issue licenses approving the use of their rights-of-way and allows municipalities to impose conditions ensuring the equipment does not create obstructions or conditions which could be dangerous to the traveling public. Reading these sections together, the Legislature has established that a local government's authority to reject a request to locate communication equipment in a right-of-way is limited only to those situations where one would expect the proposed placement to create some type of danger for roadway users. The local government must rely on facts when it decides whether proposed equipment might pose a danger, and it must do so in a reasonable, non-arbitrary manner.<sup>40</sup>

Given the history and the continuing evolution of two-way communications services, the language in Section 362.01 (1) authorizing "poles, wires, and other fixtures" for "telephone purposes" includes not only

<sup>&</sup>lt;sup>38</sup> Davis v. MCI Telecommunications Corp., 606 So. 2d 734 (Fla. 1st DCA 1992).

<sup>&</sup>lt;sup>39</sup> In *Gulf Properties of Alabama, Inc. v. Southern Bell Tel. & Tel. Co.*, 346 So 2d 1085 (Fla. 1st DCA 1977), the court found in favor of a telephone company proposing to install its equipment over a subdivision developer which had reserved an exception when it filed the subdivision plans – because the subdivision developer was not presently operating or desirous of operating telephone company. The court made no mention of whether the Florida Public Service Commission regulated either entity. In addition, while Section 362.01, Florida Statutes, allows individuals to place equipment in public rights-of-way, Section 362.02, Florida Statutes, grants the power of eminent domain for communication equipment within railroad rights-of-way only to telegraph and telephone companies – not to individuals.

<sup>&</sup>lt;sup>40</sup> General Tel. Co. v. City of Bradenton, 192 So. 2d 534 (2d DCA 1966). Fla. Stat. Ch. 362.01...gave plaintiff the right to install [equipment] subject to the qualification that the [equipment] did not obstruct or interfere with the common uses of the streets. Defendant [government] had introduced no evidence that plaintiff's [equipment] had obstructed or interfered with the use of the streets, that they constituted a hazard, or were unreasonable in nature or number.

traditional landline telephone service but also wireless communications services, including Mobilitie's infrastructure. A more narrow interpretation is not supported by, and is inconsistent with, the Legislature's intent to promote new communication technology and related infrastructure.

Mobilitie kindly requests the City to review our applications as it would review a communications services provider and promptly process our applications for new poles in the City right-of-way. Mobilitie understands that in order to access the public right-of-way it is required to compensate the local jurisdiction in the form of permitting fees and is prepared to pay any and all permitting fees required by Winter Haven. Mobilitie looks forward to working with the City and placing its utility infrastructure within its rights-of-way. We welcome a chance to work with the City in finding a solution that fits both of our needs in terms of infrastructure and a process to achieving permits. Cleveland Bain, Permitting Manager, would like to request a meeting with you and any other interested parties to discuss, in person, a site-by-site review of our proposed network. Cleveland can be reached at 407-280-4920, or via email at CBain@mobilitie.com. Should you have any questions, please do not hesitate to contact me via my mobile phone (678) 630-9823 or by e-mail at cbrown@mobilitie.com.

Sincerely,

Chris Brown

Government Relations Associate

cc: Frederick John Murphy, Jr. - City Attorney

<sup>&</sup>lt;sup>41</sup> See also *Nerbonne, N.V. v. Florida Power Corp.*, 692 So. 2d 928 (Fla 5<sup>th</sup> DCA 1997) where the court found that a right of easement given for "public road purposes" including authority to install power lines because historically roads had been used for not only transportation but also the delivery of communications and power. The court stated that this interpretation covering "adaptions of traditional highway uses" was appropriate "because of *changing technology*" (quoting *Fisher v. Golden Valley Elec. Assn.*, 658 P. 2d 127 (Alaska 1983). Explained by *City of Orlando v. MSD-Mattie, LLC.*, (Fla. 5<sup>th</sup> DCA 2005).